

**LEGISLATIVE ASSEMBLY
OF ONTARIO**

**THIRD SESSION
THIRTY-FIRST PARLIAMENT**

**BILLS
AS ENACTED**

**SESSION
MARCH 6th to JUNE 22nd, 1979
AND
OCTOBER 10th to DECEMBER 22nd, 1979**

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THIRD SESSION THIRTY-FIRST PARLIAMENT

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3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act respecting the County of Middlesex

THE HON. LORNE C. HENDERSON
Minister of Government Services

Bill 1-1000

Bill 1-1000

Bill 1-1000

Bill 1-1000

Bill 1-1000

BILL 2

1979

An Act respecting the County of Middlesex

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The lands described in the letters patent, dated the 11th day of December, 1868, under the Great Seal of the Province of Ontario and described in the Schedule hereto are hereby vested in The Corporation of the County of Middlesex in fee simple free from any trust set out in the said letters patent. Certain lands vested in County of Middlesex free from trusts

2. The Minister of Government Services, subject to such terms and conditions as the Minister may impose, may make a grant out of the moneys appropriated therefor by the Legislature to The Corporation of the County of Middlesex for the restoration of the building, known as the County Court House, located on the lands described in the Schedule hereto. Grant for restoration of County Court House

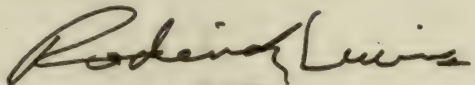
3. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

4. The short title of this Act is *The County of Middlesex Act, 1979*. Short title

SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of London in the County of Middlesex and Province of Ontario containing by admeasurement four acres, be the same more or less, being composed of lots 21, 22, 23 and 24 on the south side of Dundas Street and lots 21, 22, 23 and 24 on the north side of King Street in the said City.

ASSENTED TO BY LIEUTENANT-GOVERNOR MARCH 29 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act respecting
the County of Middlesex

1st Reading

March 8th, 1979

2nd Reading

March 27th, 1979

3rd Reading

March 29th, 1979

THE HON. LORNE C. HENDERSON
Minister of Government Services

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Milk Act

THE HON. W. NEWMAN
Minister of Agriculture and Food

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Milk Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Milk Act*, being chapter 273 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 26,
enacted

26.—(1) The Lieutenant Governor in Council may grant authority to the Canadian Dairy Commission to regulate the marketing within Ontario of a regulated product or a milk product and for such purposes, Authority
may be
granted to
Canadian
Dairy
Commission

- (a) to exercise any power that it may exercise in relation to the marketing of such regulated product or milk product in interprovincial or export trade;
- (b) to exercise, in relation to the marketing of such regulated product, any power that may be exercised by a marketing board in relation to a regulated product; and
- (c) to exercise, in relation to the marketing of such milk product, any power that is like a power that may be exercised by a marketing board in relation to a regulated product.

(2) Where authority is granted under subsection 1 in relation to any milk product, such milk product shall be deemed to be, Milk product
deemed to be
a regulated
product

- (a) a regulated product for the purposes of *The Commodity Boards and Marketing Agencies Act, 1978*; 1978, c. 30
and
- (b) the regulated product in relation to the marketing of which a levy is fixed, imposed and collected under

1978, c. 30

The Commodity Boards and Marketing Agencies Act, 1978.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Milk Amendment Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR MARCH 29 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend The Milk Act

1st Reading

March 9th, 1979

2nd Reading

March 27th, 1979

3rd Reading

March 29th, 1979

THE HON. W. NEWMAN
Minister of Agriculture and Food

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Trees Act

THE HON. J. A. C. AULD
Minister of Natural Resources and Minister of Energy

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Trees Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Trees Act*, being chapter 468 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clauses: s. 1,
amended
 - (aa) "dbh" means the diameter of the stem of a tree measured at a point that is four and one-half feet above ground;
 -
 - (c) "Minister" means the Minister of Natural Resources;
 - (d) "woodlot" means an area having not less than,
 - (i) 400 trees per acre of any size,
 - (ii) 300 trees per acre measuring more than two inches dbh,
 - (iii) 200 trees per acre measuring more than five inches dbh, or
 - (iv) 100 trees per acre measuring more than eight inches dbh.
2. Section 3 of the said Act is amended by striking out "not more than \$25" in the seventh line and inserting in lieu thereof "not more than \$1,000". s. 3,
amended
3. Section 4 of the said Act is repealed and the following substituted therefor: s. 4,
re-enacted
 - 4.—(1) Subject to the written approval of the Minister, the council of any county or of any municipality separated from the county for municipal purposes may pass by-laws, By-law
restricting
cutting of
trees

- (a) restricting and regulating the destruction of trees by cutting, burning or other means; and
- (b) providing for the appointment of officers to enforce the provisions of any by-law passed under this section.

Entry
on land

(2) An officer appointed under a by-law passed under subsection 1, or any predecessor thereof, and any person acting under his instructions may at all reasonable times enter upon the land of any person for the purpose of,

- (a) enforcing such by-law;
- (b) determining compliance with an order made under subsection 2 of section 6; or
- (c) examining trees that might be affected by a minor exception authorized under subsection 1 of section 7b.

Territorial
limitation
of by-law

(3) A by-law passed under subsection 1, or any predecessor thereof, may be limited territorially.

Approval
of by-law

(4) The approval referred to in subsection 1 may be given before or after the by-law is passed.

Validity
of past
approvals
of by-law

(5) Every approval heretofore given under any predecessor of subsection 1 shall be deemed to be valid whether given before or after the by-law was passed.

s. 5,
re-enacted

4. Section 5 of the said Act is repealed and the following substituted therefor:

Exceptions

5.—(1) A by-law passed under subsection 1 of section 4, or any predecessor thereof, does not,

- (a) interfere with the right of a person who has been the registered owner of land for at least two years to cut trees thereon for his own use;
- (b) interfere with any rights or powers conferred upon a municipality by *The Municipal Act*;
- (c) interfere with any rights or powers of Ontario Hydro or of any agency, board or commission that is performing its functions for or on behalf of the Crown;
- (d) apply to trees growing upon any highway or upon any opened road allowance;

R.S.O. 1970,
c. 284

- (e) apply to trees growing in a woodlot that is two acres or less in area, unless the by-law provides expressly that it applies to trees in such a woodlot;
- (f) apply to trees destroyed in order to erect any building, structure or thing in respect of which a building permit is issued;
- (g) apply to trees planted for the production of Christmas trees;
- (h) apply to trees cut by an Ontario land surveyor registered under *The Surveyors Act* or any person in his employ while making a survey; R.S.O. 1970, c. 452
- (i) apply to trees on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under *The Pits and Quarries Control Act, 1971*; 1971, c. 96
- (j) apply to trees destroyed in order to lawfully establish and operate or enlarge any pit or quarry on land that has not been designated under section 2 of *The Pits and Quarries Control Act, 1971*; or
- (k) apply to trees that are cut in accordance with good forestry practice.

(2) The expression "own use" in clause *a* of subsection 1 shall be deemed not to include any sale, exchange or other disposition of the trees that are cut. "own use" does not include sale, etc.

5. Section 6 of the said Act is repealed and the following substituted therefor: s. 6, re-enacted

6.—(1) Every person who,

Offences

- (a) by himself or through any other person, contravenes any provision of a by-law passed under subsection 1 of section 4, or any predecessor thereof;
- (b) obstructs, hinders or interferes with an officer appointed under a by-law passed under subsection 1 of section 4, or any predecessor thereof, or any person acting under his instructions, in the discharge of his duties; or
- (c) fails or neglects, without just cause, to carry out an order made against him under subsection 2,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than three months, or to both.

Replanting

(2) Where a person is convicted of an offence under clause *a* of subsection 1, the judge shall consider all evidence given in respect of the necessity of replanting the area on which trees have been destroyed and may order the owner of the said area to replant or have replanted thereon such trees in such manner and within such period of time as the judge considers just and to adequately maintain the replanted trees in such manner as the judge considers proper.

ss. 7*a*, 7*b*,
enacted

6. The said Act is amended by adding thereto the following sections:

Evidence in
prosecutions

7*a*. In any prosecution under this Act,

R.S.O. 1970,
cc. 409, 234

(*a*) a copy of an instrument certified under section 17 of *The Registry Act* or a certificate of search issued under section 127 of *The Land Titles Act* is admissible in evidence as *prima facie* proof of the matters therein contained; and

(*b*) a certificate of the Minister or Deputy Minister of Natural Resources in respect of the right, title and interest of the Crown in any trees on any land is admissible in evidence as *prima facie* proof of the matters therein contained.

Application
for minor
exception

7*b*.—(1) Upon the application of the owner of any trees affected by a by-law passed under subsection 1 of section 4, or any predecessor thereof, or any person authorized in writing by the owner, the council of the municipality that passed the by-law may, by by-law or resolution, authorize such minor exception from the by-law in respect of such trees as in its opinion is desirable for the appropriate development or use of the land on which such trees are situate, if in its opinion the general intent and purpose of the by-law is maintained.

Notice of
application

(2) Where the council of a municipality receives an application under subsection 1, the clerk of the municipality shall give notice of the application to the owners of each parcel of land that abuts the land of the owner of the trees in respect of which the application is made and to such other owners as the council considers proper.

Service of
notice

(3) A notice under subsection 2 shall be deemed to be sufficiently given if served upon an owner,

- (a) personally;
- (b) by leaving it at his or her place of business or residence;
- (c) by registered mail addressed to his or her place of business or residence, if known, or to his or her place of business or residence as set forth in the last revised assessment roll of the municipality in which the land is situate; or
- (d) if the place of business and residence of the owner are not known, by leaving it with any person being at least sixteen years of age on the land of the owner or by posting it in two conspicuous places on such land.

(4) A notice under subsection 2 shall contain,

Content of
notice

- (a) the name and address of the owner who has made the application for a minor exception or on whose behalf the application has been made;
- (b) a description of the land of the owner in respect of which the application has been made;
- (c) a description of the nature and extent of the trees on such land;
- (d) a description of the purpose, nature and extent of the minor exception for which application has been made; and
- (e) the hour, day and place of the meeting at which the council will consider passing a by-law or resolution under subsection 1.

(5) The clerk of the municipality shall give notice in such manner as he considers proper to the owner who has made the application or on whose behalf the application has been made of the hour, day and place of the meeting at which the council will consider passing a by-law or resolution under subsection 1.

Notice to
applicant

(6) No meeting of the council shall be held to consider passing a by-law or resolution under subsection 1 unless,

Conditions
precedent

- (a) twenty-one days have elapsed after required notices have been given in accordance with this section; and

(b) the giving of such notices is proved by affidavit or declaration.

Entitlement
to be
heard

(7) The council shall hear in person, or by his counsel or agent, the applicant and any person who claims that his land will be prejudicially affected by the by-law or resolution.

Approval of
Minister
not required

(8) No by-law or resolution passed under subsection 1 requires the approval of the Minister.

s. 11 (3),
re-enacted

7. Subsection 3 of section 11 of the said Act is repealed and the following substituted therefor:

Cutting

(3) Every such agreement shall prescribe the conditions under which the cutting of timber upon such portions may be carried out and such conditions are subject to the approval of the Minister.

s. 12,
re-enacted

8. Section 12 of the said Act is repealed and the following substituted therefor:

Approval of
by-law by
Minister

12. No by-law shall be finally passed under section 7, 8, 9, 10 or 11 until approved in writing by the Minister.

Commence-
ment

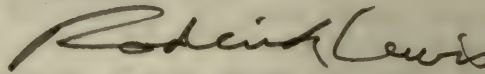
9. This Act comes into force on the day it receives Royal Assent.

Short title

10. The short title of this Act is *The Trees Amendment Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

JUNE 22 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend The Trees Act

1st Reading

March 9th, 1979

2nd Reading

March 27th, 1979

3rd Reading

June 18th, 1979

THE HON. J. A. C. AUUD
Minister of Natural Resources and
Minister of Energy

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend The Ministry of Transportation
and Communications Act, 1971**

THE HON. J. W. SNOW
Minister of Transportation and Communications

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 13

1979

An Act to amend The Ministry of Transportation and Communications Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

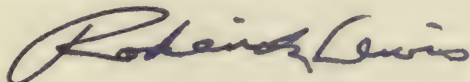
1. Section 4 of *The Ministry of Transportation and Communications Act, 1971*, being chapter 13, is repealed and the following substituted therefor: s. 4, re-enacted

4.—(1) Any power conferred or duty imposed on the Minister by this or any other Act may be delegated by him in writing, subject to such limitations, conditions and requirements as the Minister may set out in the delegation, to the Deputy Minister of Transportation and Communications or to any officer of the Ministry who may act for him in his place and stead, and when the Deputy Minister of Transportation and Communications or such other officer acts in the place and stead of the Minister, it shall be presumed conclusively that he acted in accordance with such delegation. Delegation of powers and duties of Minister

(2) Notwithstanding *The Executive Council Act*, a deed or a contract made by a person empowered to do so under subsection 1 has the same effect as if signed by the Minister. Effect of R.S.O. 1970, c. 153

2. This Act comes into force on the day it receives Royal Assent. Commencement
3. The short title of this Act is *The Ministry of Transportation and Communications Amendment Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR APRIL 17, 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Ministry of Transportation
and Communications Act, 1971

1st Reading

March 15th, 1979

2nd Reading

April 10th, 1979

3rd Reading

April 10th, 1979

THE HON. J. W. SNOW
Minister of Transportation
and Communications

S
1001. in Rep. by S. H. H.
BILL 14

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Statute Labour Act

THE HON. J. W. SNOW
Minister of Transportation and Communications

BILL 14

1979

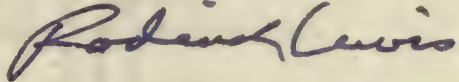
An Act to amend The Statute Labour Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 30 of *The Statute Labour Act*, being s. 30 (1), chapter 445 of the Revised Statutes of Ontario, 1970, is amended amended by striking out "not exceeding \$50" in the eighth line.
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Statute Labour Amendment Act*, Short title
1979.

ASSENTED TO BY LIEUTENANT-GOVERNOR

APRIL 17, 1979

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Statute Labour Act

1st Reading

March 15th, 1979

2nd Reading

April 10th, 1979

3rd Reading

April 10th, 1979

THE HON. J. W. SNOW
Minister of Transportation
and Communications

Pauline G. G. G. G.
BILL 15

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Local Roads Boards Act

THE HON. J. W. SNOW
Minister of Transportation and Communications

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Local Roads Boards Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *d* of section 1 of *The Local Roads Boards Act*, ^{s. 1 (d), re-enacted} being chapter 256 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(d) "Minister" means the Minister of Transportation and Communications.

- (2) Clause *e* of the said section 1 is amended by striking out ^{s. 1 (e), amended} "registry or land titles office" in the fourth line and inserting in lieu thereof "land registry office".

2. Subsection 2 of section 14 of the said Act is repealed and ^{s. 14 (2), re-enacted} the following substituted therefor:

(2) If in any year both the board and the secretary-treasurer fail to call an annual meeting or, having called an annual meeting, fail to put to a vote a proposal as required by the Minister under subsection 1*a* of section 16, any ten owners of land in the local roads area may call a meeting as provided in section 7 and may appoint one of their number to act as chairman at the meeting, and such owner shall act as chairman notwithstanding that the chairman of the board attends the meeting. ^{on call of ten owners}

- 3.—(1) Subsection 1 of section 16 of the said Act is amended by ^{s. 16 (1), amended} striking out "or" at the end of clause *b*, by adding "or" at the end of clause *c* and by adding thereto the following clause:

(d) the minimum annual tax imposed under section 22 be altered,

s. 16,
amended

- (2) The said section 16 is amended by adding thereto the following subsection:

Idem

(1*a*) Where it is proposed by the Minister that the boundaries of a local roads area be altered, the Minister may, by notice to the secretary-treasurer of the board affected require the board to put the proposal to a vote at the next annual meeting.

s. 16 (4),
re-enacted

- (3) Subsection 4 of the said section 16 is repealed and the following substituted therefor:

Notification
to Minister

(4) Where a vote has been taken under subsection 1 or 1*a*, the secretary-treasurer shall forward to the Minister a copy of the proposal together with a statement of the results of the vote showing the vote of the owners for and against the proposal and, in the case of a proposal made under clause *a* of subsection 1 or under subsection 1*a*, the vote of the owners of land in the area that is proposed to be added to or to be removed from an existing area for and against the proposal.

Order by
Minister

(5) Where the Minister receives a copy of a proposal together with a statement of results as set out in subsection 4, he, if he considers it in the public interest so to do, may by order in writing alter the boundaries of the local roads area or the roads included therein in accordance with the proposal or in such other manner as he considers appropriate.

s. 17 (3),
amended

4. Subsection 3 of section 17 of the said Act is amended by striking out "section 15" in the third line and inserting in lieu thereof "section 14".

s. 19,
amended

5. Section 19 of the said Act is amended by inserting after "14" in the third line "and 16 to 18".

s. 20 (4),
amended

- 6.—(1) Subsection 4 of section 20 of the said Act is amended by striking out paragraphs 3, 4 and 5 and inserting in lieu thereof the following:

3. For forested land, \$10 a hectare.

4. For cleared land, \$15 a hectare.

5. For all other land, \$5 a hectare.

s. 20 (5) (a),
re-enacted

- (2) Clause *a* of subsection 5 of the said section 20 is repealed and the following substituted therefor:

(a) "hectare" includes a part of a hectare; and

7. Section 22 of the said Act is repealed and the following substituted therefor: s. 22,
re-enacted

22.—(1) The minimum annual tax imposed under this Act in respect of the land of any owner is the minimum annual tax approved by a majority of owners present at an annual meeting, but where there is no such approval, the minimum annual tax is \$10. Minimum
tax

(2) Where a minimum annual tax is approved under subsection 1, that minimum annual tax as approved remains in effect until a further variation is approved at a subsequent annual meeting. Idem

8. Subsection 2 of section 25 of the said Act is amended by striking out "land titles or registry office" in the fifth line and inserting in lieu thereof "land registry office". s. 25 (2),
amended

9. Section 32 of the said Act is amended by striking out "\$3 for each foot" in the sixth line and inserting in lieu thereof "\$10 for each metre". s. 32,
amended

- 10.—(1) Subsection 1 of section 35 of the said Act is amended by striking out "land titles or registry office" in the third line and inserting in lieu thereof "land registry office" and by striking out "land titles, registry" in the sixth and seventh lines and inserting in lieu thereof "land registry". s. 35 (1),
amended

- (2) Subsection 5 of the said section 35 is amended by striking out "master of titles or registrar of deeds" in the first and second lines and inserting in lieu thereof "land registrar". s. 35 (5),
amended

- (3) Subsection 6 of the said section 35 is amended by striking out "land titles or registry office" in the second line and inserting in lieu thereof "land registry office" and by striking out "the registrar or master of titles" in the fourth line and inserting in lieu thereof "the land registrar". s. 35 (6),
amended

- 11.—(1) This Act, except sections 5 and 8, comes into force on the day it receives Royal Assent. Commence-
ment

- (2) Sections 5 and 8 come into force on the 1st day of January, 1980. Idem

12. The short title of this Act is *The Local Roads Boards Amendment Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR. APRIL 17, 1979

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF THE HISTORY OF ARTS AND ARCHITECTURE

OFFICE OF THE DEAN

1100 EAST 58TH STREET, CHICAGO, ILLINOIS 60637

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ADMISSIONS

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CHICAGO

CHICAGO

An Act to amend
The Local Roads Boards Act

1st Reading

March 15th, 1979

2nd Reading

April 10th, 1979

3rd Reading

April 10th, 1979

THE HON. J. W. SNOW
Minister of Transportation
and Communications

BILL 16

Pauline G. G. S. L. L.

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Airports Act

THE HON. J. W. SNOW
Minister of Transportation and Communications

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 16


1979

An Act to amend The Airports Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Airports Act*, being chapter 17 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1977, chapter 33, section 2, is amended by striking out "with the approval of the Lieutenant Governor in Council" in the eighth line. s. 2 (1).
amended
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Airports Amendment Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR APRIL 17 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Airports Act

1st Reading

March 15th, 1979

2nd Reading

April 10th, 1979

3rd Reading

April 10th, 1979

THE HON. J. W. SNOW
Minister of Transportation
and Communications

Bill 17
BILL 17

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to revise The Line Fences Act

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

BILL 17

1979

An Act to revise The Line Fences Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act, Interpre-
tation

- (a) “Minister” means the Minister of Intergovernmental Affairs;
- (b) “occupant” means the occupant of adjoining land that is subject or proposed to be made subject to proceedings instituted under section 4;
- (c) “prescribed” means prescribed by the regulations;
- (d) “regulations” means regulations made under this Act;
- (e) “value of the work” and “costs of the work” have the same meaning and include the value of the materials used and the value of the labour performed to complete the work. *New.*

(2) Where, within the meaning of section 4, there is a ^{Idem} dispute between owners or occupants of lands situate in different local municipalities,

- (a) “fence-viewers” means two fence-viewers of the local municipality in which is situate the land of the owner or occupant notified under section 4, and one fence-viewer of the local municipality in which is situate the land of the person instituting the proceedings under that section;
- (b) “in which the land is situate” or “in which the land lies” means in which is situate the land of the owner or occupant so notified under section 4. R.S.O. 1970, c. 248, s. 1 (2), *amended.*

Idem

(3) Where, within the meaning of section 4, there is a dispute between the owner or occupant of land situate in a local municipality and the owner or occupant of land situate in territory without municipal organization,

(a) "fence-viewers" means three fence-viewers appointed by the local municipality in which the land of the one owner or occupant is situate, and at least one of the fence-viewers shall be resident outside the municipality in the vicinity of the land of the other owner or occupant;

(b) "local municipality in which the land is situate" means the local municipality in which is situate the land of the one owner or occupant. *New.*

Appointment
of fence-
viewers

2. The council of every local municipality shall, by by-law, appoint such number of fence-viewers as are required to carry out the provisions of this Act and the by-law shall fix the *per diem* remuneration to be paid to the fence-viewers. *New.*

Owner of land
may construct
boundary
fence

3. An owner of land may construct and maintain a fence to mark the boundary between his land and adjoining lands. *New.*

Owner may
request fence-
viewers to
view and
arbitrate

4.—(1) Where the owner of any land desires to have a fence constructed to mark the boundary between his land and the land of an adjoining owner, or where such a fence exists, to have it repaired or reconstructed and where he has not entered into a written agreement with the adjoining owner for sharing the costs of the construction, reconstruction, or repair, as the case may be, of such fence, he may notify the clerk of the local municipality in which the land is situate that he desires fence-viewers to view and arbitrate as to what portion of the fence each owner shall construct, reconstruct or repair and maintain and keep up.

Notice by
clerk

(2) Where the clerk of a municipality is notified under subsection 1, he, or such other person as may be designated by the council for the purpose of giving notices under this section, shall notify in the prescribed form the owner mentioned in subsection 1 and the adjoining owner or the occupant of the land of the adjoining owner that he will on a day named, not less than one week from the service of the notice, cause three fence-viewers of the locality to arbitrate in the premises and he shall notify in the prescribed form the fence-viewers not less than one week before their services are required that they are required to meet to arbitrate in the premises.

(3) A notice under subsection 2 shall be signed by the clerk or such other designated person, as the case may be, and shall specify the time, being not more than thirty days from the date of the receipt of the notice under subsection 1, and place of the meeting for the arbitration, and the notice shall be given to a person mentioned in subsection 2 by sending it to him by registered mail at the address where he resides or, in the case of a notice to an owner or occupant, may instead be given by leaving it with him at his place of residence or with some other person, over the age of eighteen years, residing thereat. R.S.O. 1970, c. 248, s. 4, *part, amended.*

5. Where an occupant who is not the owner of the land is given a notice under this Act, he shall immediately inform the owner of the notice, and, if he neglects to do so, he is liable for all damage caused to the owner by such neglect. R.S.O. 1970, c. 248, s. 5, *amended.*

Duty and liability of occupants as to notifying owners

6. The fence-viewers shall examine the premises and, if required by either adjoining owner, shall hear evidence and may examine the owners and their witnesses on oath. R.S.O. 1970, c. 248, s. 6, *amended.*

Duties and powers of fence-viewers

7.—(1) The fence-viewers shall make an award in the prescribed form, signed by any two of them, respecting the matters in dispute and the award shall state that a fence shall be constructed and maintained and kept up to mark the boundary between the adjoining lands, or, where such a fence exists, that the fence shall be reconstructed or repaired, and shall be maintained and kept up, and the award shall specify,

Award of fence-viewers

(a) the location of the fence;

(b) that,

- (i) each adjoining owner shall construct, reconstruct or repair, as the case may be, and maintain and keep up a designated one-half of the fence, or
- (ii) the adjoining owner designated shall construct, reconstruct or repair, as the case may be, and maintain and keep up the fence, and that the other adjoining owner shall, upon being notified by the designated adjoining owner of the costs of the work incurred from time to time, pay to the

designated adjoining owner one-half of the costs incurred,

unless the fence-viewers, in the circumstances of the case, consider an award in the terms of sub-clauses i or ii to be unjust, in which case the fence-viewers may make such award in respect of the construction, reconstruction, repair or maintenance of the fence as they consider appropriate;

- (c) the description of the fence, including the materials to be used in the construction, reconstruction, repair or maintenance and keeping up of the fence;
- (d) the date by which the construction, reconstruction or repairs shall be commenced and the date by which such work shall be completed; and
- (e) the costs of the proceedings and by which of the owners or in what proportion the costs of the proceedings are to be paid. R.S.O. 1970, c. 248, s. 7 (1), *amended*.

Character
of fence

(2) In making the award, the fence-viewers shall have regard to the suitability of the fence to the needs of each of the adjoining owners or the occupants of their land, as the case may be, the nature of the terrain on which the fence is, or is to be, located, and the nature of the fences in use in the locality and may have regard to any other factors that they consider relevant. R.S.O. 1970, c. 248, s. 7 (2), *amended*.

Where
by-law
under
R.S.O. 1970,
c. 284
in force

(3) Where there is a by-law in force in the municipality under *The Municipal Act* prescribing the height and description of lawful fences or otherwise regulating the construction of fences, the description of the fence specified in the award shall conform to the by-law. *New*.

Location
of fence

(4) Where, from the formation of the ground by reason of streams or other causes, it is, in the opinion of the fence-viewers, impracticable to locate the fence upon the line between the lands of the adjoining owners, they may locate it either wholly or partly on the land of either of the adjoining owners where it seems to be most convenient, but such location shall not in any way affect the title to the land. R.S.O. 1970, c. 248, s. 7 (3), *amended*.

(5) Where the fence-viewers locate a fence wholly or partly on the land of either of the adjoining owners under subsection 4, the fence-viewers may employ an Ontario land surveyor to have the location of the fence described by metes and bounds. R.S.O. 1970, c. 248, s. 7 (4), *amended*. Employment of surveyor

(6) Subsections 2, 3 and 4 of section 17 respecting the payment of fees to fence-viewers and for the collection of amounts paid on account thereof by the municipality apply with necessary modifications to fees payable to a land surveyor employed under subsection 5. *New*. Fees of land surveyor

8.—(1) The award shall be deposited in the office of the clerk of the local municipality in which the land is situate, and may be proved by a copy certified by the clerk, and a copy of the award certified by the clerk shall forthwith be sent by him by registered mail to the owners and occupants of the adjoining lands to their last known place of residence. R.S.O. 1970, c. 248, s. 8, *amended*. Deposit of award, etc.

(2) Where the lands of the adjoining owners are situate in different local municipalities, a clerk under subsection 1 shall, forthwith upon the deposit of an award in his office, forward a copy of it certified by him to the clerk of the other municipality in which part of the lands are situate. *New*. Where land situate in different municipalities

9.—(1) An owner dissatisfied with the award may appeal therefrom to a judge of the small claims court for the territorial division in which the land is situate by serving on the owner or occupant of the adjoining land and the fence-viewers, within fifteen days of receiving a copy of the award made under section 7, a notice of appeal in the prescribed form and by filing a copy of each notice together with an affidavit of service of the notice in the prescribed form with the clerk of the court within that period. R.S.O. 1970, c. 248, s. 12 (1), *amended*. Appeal

(2) A notice under subsection 1 shall be served by the owner in the same manner as a notice to an owner or occupant is served by the clerk under section 4. *New*. Service of notice

(3) Upon the filing of the copies of the notices and the affidavits mentioned in subsection 1, the clerk of the court shall forthwith fix the time and place for the hearing of the appeal, and notice of the time and place of the appeal shall be served on each person served with a notice under subsection 1 and on the owner giving notice under that subsection and a notice under this subsection shall be served in the same manner as a notice of trial is served on a party to a suit under *The Small Claims Courts Act*. R.S.O. 1970, c. 248, s. 12 (4), *amended*. Notice of hearing

Powers of
judge

(4) The judge shall hear and determine the appeal and may set aside, alter or affirm the award, or correct any error therein, and may examine the parties and their witnesses on oath, and may inspect the premises and may order payment of costs by either party and fix the amount of the costs.

Decision
of judge
to be final

(5) The decision of the judge is final and the award, as altered or affirmed, shall be dealt with in all respects as it would have been if it had not been appealed from. R.S.O. 1970, c. 248, s. 12 (5, 6).

Procedure

(6) The practice and procedure on the appeal, including the fees payable for subpoenas and the conduct money of witnesses, shall be the same, as nearly as may be, as in the case of a suit in the small claims court, but the judge may at any time give special direction as to the conduct of the hearing so that he may properly and fully inform himself of all relevant facts and may at any time order such sum of money to be paid by the appellant to the clerk as will be a sufficient indemnity against the costs of the appeal. R.S.O. 1970, c. 248, s. 12 (7), *amended*.

Where
land in
different
court
divisions

(7) Notwithstanding subsections 1 and 3, where the award affects land in two or more territorial divisions, the appeal may be to the judge of the small claims court for the territorial division in which any part of the land is situate and in such case the documents mentioned in subsection 1 shall be filed with the clerk of the court in which the appeal is to be heard. R.S.O. 1970, c. 248, s. 12 (8), *amended*.

Judge's
expenses

10.—(1) If the judge of the small claims court inspects the premises or hears the appeal at a place other than the place where proceedings in that court are usually conducted, he is entitled to be paid the actual expenses incurred by him and, in the order setting aside, altering or affirming the award, shall fix the amount of such expenses and name the person by whom the amount is to be paid.

Municipality
to pay
expenses
and collect
amount

(2) The judge shall be paid by the corporation of the municipality the amount so fixed, and it shall be collected in the same manner as is provided in respect of the fence-viewer's fees. R.S.O. 1970, c. 248, s. 14, *amended*.

Owner may
require
award to be
obeyed

11.—(1) Where the award specifies that a portion or all of the fence shall be repaired, constructed, reconstructed, maintained or kept up by one adjoining owner and that adjoining owner fails to obey the award, the other adjoining

owner may, by notice, served by him on the first adjoining owner or the occupant of his land, require the first adjoining owner to obey the award. R.S.O. 1970, c. 248, s. 10 (1), *part, amended.*

(2) A notice served by an adjoining owner under subsection 1 shall be served in the same manner as a notice to an owner or occupant is served by the clerk under section 4. *New.* Service of notice

(3) If the notice is not obeyed within two weeks after it has been served, the owner desiring to enforce the award may do or complete the work that the award directs and may immediately institute proceedings to recover the value of the work done or completed and the costs of the proceedings from the owner of the adjoining land. R.S.O. 1970, c. 248, s. 10 (1), *part, amended.* Completion of work by owner

(4) An owner, or any person acting on his behalf, in doing or completing work pursuant to an award under section 7 or under subsection 3 or under subsection 7 of section 13, may enter on the property of the adjoining owner to the extent that it is necessary to do or complete the work, but in making such entry or doing or completing such work shall do no unnecessary spoil or waste. *New.* Entry on property of adjoining owner

(5) No person shall obstruct or threaten to obstruct a person entering on to property or doing or completing work in accordance with subsection 4 and every person who contravenes this subsection is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. *New.* Obstruction an offence

(6) Where the award specifies that one adjoining owner shall pay to the designated adjoining owner a portion of the costs of the work under subclause ii of clause *b* of subsection 1 of section 7, the designated adjoining owner may notify the other adjoining owner or the occupant of his land of the amount owing in accordance with the award in the same manner as an owner may give notice under subsection 2, and, where such amount is not paid within twenty-eight days following the day on which the notice is given, the designated adjoining owner may institute proceedings to recover the amount and the costs of the proceedings from the other adjoining owner. Notice of amount owing in accordance with award

(7) An owner desiring to institute proceedings under subsection 3 or 6 shall notify the clerk of the local municipality in which the land is situate that he desires the three fence-viewers who made the award to reattend at the premises and certify, Certification of fence-viewers

- (a) the default of the adjoining owner; and
- (b) the value of the work done by the owner which according to the award ought to have been done by the adjoining owner or the portion of the costs of the work done which ought to have been paid by the adjoining owner, as the case may be.

Notice by
clerk

(8) Where the clerk of a municipality is notified by an owner under subsection 7, he, or such other person as may be designated by the council for the purpose of giving notices under this section, shall forthwith notify in the prescribed form that owner and the owner or occupant of the adjoining land that he will, on a day named, not less than one week from the service of the notice, cause the fence-viewers to reattend at the premises and he shall also notify in the prescribed form the fence-viewers not less than one week before their services are required.

Idem

(9) The notices in each case shall be signed by the clerk or such other designated person, as the case may be, and shall specify the time and place of the reconvening of the fence-viewers, and the notices shall be served in the same manner as a notice served under subsection 3 of section 4.

Notice to
another
fence-viewer
to attend

(10) Where an owner notifies the clerk under subsection 7, and for any reason any of the three fence-viewers who made the award is unable to reattend at the premises, the clerk shall notify another fence-viewer of the municipality to attend in his place. *New.*

Duties of
fence-viewers

12.—(1) The fence-viewers, upon receiving a notice served under subsection 8 of section 11, or upon being notified under subsection 10 of that section, shall attend in accordance with such notice, and if satisfied that the adjoining owner or the occupant of his land was duly notified under subsection 1 or 6, as the case may be, of section 11 and has failed to obey the award, the fence-viewers shall,

- (a) where the adjoining owner or the occupant of his land was notified under subsection 1 of section 11, determine the value of the work done by the owner desiring to enforce the award which is attributable to the adjoining owner and shall prepare a certificate in the prescribed form certifying the default of the adjoining owner and certifying the value of the said work; or
- (b) where the adjoining owner or the occupant of his land was notified under subsection 6 of section 11, determine the value of the work done by the owner

desiring to enforce the award and the portion of that value payable by the adjoining owner and shall prepare a certificate in the prescribed form certifying the default of the adjoining owner and the amount payable by him as his share of the costs of the work.

(2) The fence-viewers shall specify in a certificate under subsection 1 the costs of the proceedings described in that subsection and shall specify either that the adjoining owner or that the other owner pay the costs, or that each of them pay a specified portion of the costs. Costs

(3) The fence-viewers shall, in the certificate, certify the amount payable by the adjoining owner as his share of the costs of the proceedings described in subsection 1 and of the proceedings under section 4, less the portion of that amount payable as fees to the fence-viewers or fees to a land surveyor employed under subsection 5 of section 7, and the total amount certified pursuant to this subsection and subsection 1 shall become payable to the owner desiring to enforce the award. Idem

(4) Upon preparing a certificate under subsection 1, the fence-viewers shall forthwith deposit the certificate with the clerk of the local municipality within which the land is situate and the provisions of subsections 1 and 2 of section 8 respecting an award apply with necessary modifications to the certificate. *New.* Deposit of certificate

(5) The clerk of the local municipality in which the land of the adjoining owner is situate shall, upon receiving a certificate prepared under subsection 1 and the award in respect of which the certificate was made, or copies thereof certified by the clerk in accordance with this Act, and upon application in writing by the owner entitled to receive the amount certified, have the total amount certified placed upon the collector's roll and the amount may be collected in the same manner as taxes, together with interest thereon accruing from the date the application was made at the same rate as interest added by the municipality under section 553 of *The Municipal Act* to taxes due and unpaid, and is until so collected or otherwise paid a charge upon the land liable for payment thereof and when collected shall forthwith be paid over to the owner entitled thereto. R.S.O. 1970, c. 248, s. 10 (2), *amended.* Collection of amount as taxes
R.S.O. 1970, c. 284

(6) Notwithstanding subsection 5, the council of a local municipality may, by by-law, provide that where a certificate and an award mentioned in that subsection and made in respect of land situate within the municipality, or copies Payment by treasurer

thereof certified by a clerk in accordance with this Act, are deposited with the clerk of the municipality, the treasurer of the municipality may, upon written application therefor, pay to the owner entitled to receive the amount certified, the amount so certified or a portion thereof, where he is satisfied that the owner is entitled thereto, and where an owner has received the amount certified or a portion thereof under this subsection, he is not entitled to make an application or receive an amount under subsection 5.

Collection
of amount
as taxes

(7) An amount paid to an owner under subsection 6 shall be placed upon the collector's roll and may be collected in the same manner as municipal taxes together with interest thereon accruing from the date of payment at the same rate as the interest added by the municipality under section 553 of *The Municipal Act* to taxes due and unpaid, and is until so collected or otherwise paid a charge upon the land liable for payment thereof.

R.S.O. 1970,
c. 284

Notice by
treasurer

(8) Upon making a payment to an owner under subsection 6, the treasurer shall forthwith notify in the prescribed form the adjoining owner against whom the award is being enforced that the payment has been made.

Levy of
amount
against
goods and
chattels

(9) Instead of having the amount certified placed upon the collector's roll, or instead of applying for that amount or a portion thereof under a by-law passed pursuant to subsection 6, the owner entitled to receive the amount may file a copy of the certificate and of the award in respect of which the certificate was made, certified by the clerk in accordance with this Act, with the clerk of the small claims court of the division in which any part of the land affected by the award is situate, and upon being so filed, the amount may be levied against the goods and chattels and land of the adjoining owner in the same manner as the amount of a judgment of a small claims court may be levied under *The Small Claims Courts Act*. *New.*

R.S.O. 1970,
c. 439

When work
may be
dismantled

13.—(1) Notwithstanding subsection 3 of section 11, an owner desiring to enforce an award shall not dismantle work done by the adjoining owner in respect of the fence mentioned in the award except in accordance with this section.

Notice

(2) Where in the opinion of an owner work done by an adjoining owner pursuant to an award made under section 7 in respect of their lands is not in compliance with the description of the fence or the location of the fence as specified in the award, the owner may, by notice served by him on the adjoining owner or occupant of his land, require the adjoining owner to make the work comply with the award.

(3) A notice under subsection 2 shall specify in what ^{Particulars} particulars the work done fails to comply with the award and shall be served by an owner in the same manner as a notice to an owner or occupant is served by the clerk under section 4.

(4) If the notice is not obeyed within two weeks after it ^{Fence-viewers} has been served, the owner may cause the fence-viewers to ^{to reattend} reattend at the premises to view the work and to determine whether or not the work complies with the award.

(5) The provisions of section 4 respecting the convening of ^{Service of} fence-viewers apply with necessary modifications to the recalling of fence-viewers under subsection 4. ^{notices}

(6) Where the fence-viewers determine under subsection 4 ^{Powers of} that the work does not comply with the award, they shall in ^{fence-viewers} the prescribed form set out their determination with reasons therefor and shall specify the action to be taken by the adjoining owner to make such work comply, the date by which such action shall commence, and the date by which the work shall be completed.

(7) Where the adjoining owner does not comply with the ^{Where owner} directions given by the fence-viewers under subsection 6, ^{does not} the owner that initiated the proceedings under this section ^{comply} may, by notice to the adjoining owner or the occupant of his land, require the adjoining owner to obey the directions, and the provisions of sections 11 and 12 respecting the enforcement of an award apply with necessary modifications to the enforcement of the directions given by the fence-viewers under subsection 6.

(8) Where the fence-viewers make a determination with ^{Fees} directions under subsection 6, they shall specify the fees payable in respect of their services under subsections 4 and 6 and that the fees be paid by the adjoining owner or the other owner or that a specified portion of the fees be paid by each of them.

(9) Section 8 applies with necessary modifications to a ^{Deposit of} determination with directions made by the fence-viewers ^{determination} under subsection 6. *New.*

14.—(1) Where the fence-viewers have attended at premises ^{Where no} pursuant to a notice given under subsection 2 of section 4, ^{award, etc.,} subsection 8 of section 11 or subsection 5 or 7 of section 13, ^{made, fees of} and have decided, ^{fence-viewers}

(a) that no award shall be made because they have no jurisdiction to make the award or because the

owners of the adjoining lands have requested that no award be made; or

(b) that no certificate or determination with directions shall be made,

they shall prepare their decision in the prescribed form giving reasons therefor, and shall specify in the decision that the fees of the fence-viewers in respect of such attendance be paid either by one adjoining owner or by the other or that a specified portion of the fees be paid by each of them.

Deposit
of decision

(2) Section 8 applies, with necessary modifications, to a decision made under subsection 1. *New.*

Award to be
a charge on
land if
registered

15.—(1) The award and a certificate made in respect of the award may be registered in the proper land registry office and when registered are charges upon the land affected by them.

How
registered

(2) Registration may be by the registration of a duplicate of the award or certificate, as the case may be, or of a copy thereof, verified by an affidavit, together with an affidavit of the execution of the award or certificate. R.S.O. 1970, c. 248, s. 11, *amended.*

Enforcement
of agreements

16. Any agreement in writing in the prescribed form between owners respecting a line fence may be registered and enforced as if it were an award of fence-viewers. R.S.O. 1970, c. 248, s. 15, *amended.*

Fees to
surveyors
and witnesses

17.—(1) An Ontario land surveyor and a witness are entitled to the same compensation as if subpoenaed in a small claims court.

Payment of
fence-viewers
fees

(2) The corporation of the local municipality shall, at the expiration of the time for appeal from an award made under section 7 or after appeal, as the case may be, and, where applicable, upon the depositing of a certificate under subsection 4 of section 12 or subsection 7 of section 13, or of a determination with directions under subsection 9 of section 13, or a decision under section 14, pay to the fence-viewers their fees, and shall, unless the fees or a portion thereof are forthwith repaid by the person adjudged to pay the fees or the portion thereof, place the amount unpaid upon the collector's roll, and the amount may be collected in the same manner as municipal taxes together with interest thereon accruing from the date of payment at the same rate as the interest added by the municipality under section 553 of *The Municipal Act*, to taxes due and unpaid and is until so col-

lected or otherwise paid a charge upon the land liable for payment thereof. R.S.O. 1970, c. 248, s. 13, *amended*.

(3) Where the land of the person adjudged to pay the fees or a portion thereof is not situate within the local municipality, the clerk of the municipality shall, where the land is situate in an adjacent municipality, notify the clerk of the adjacent municipality of the amount owing by such person in respect of the fees or the portion thereof, and the clerk of the adjacent municipality shall place the amount upon the collector's roll for that municipality, and the amount may be collected in the same manner as municipal taxes together with interest thereon accruing from the date of payment at the same rate as the interest added by the municipality under section 553 of *The Municipal Act*, to taxes due and unpaid, and is until so collected or otherwise paid a charge upon the land liable for payment thereof, and when the amount with interest or any part thereof is collected the clerk shall forthwith remit it to the clerk of the municipality that gave the notice under this subsection.

Where land in adjacent municipality
R.S.O. 1970, c. 284

(4) Where the land of the person adjudged to pay the fees or a portion thereof is situate in territory without municipal organization, the amount owing by such person in respect of the fees or the portion thereof may be recovered with interest as a debt due to the municipality from such person. *New*.

Where land in unorganized territory

18.—(1) Where there is an unopened road allowance lying between the lands of two owners and not enclosed by a lawful fence, it is the duty of the fence-viewers, when called upon, to divide the road allowance equally between the owners of the lands, and to require each owner to construct, keep up and maintain a just proportion of fence to mark the division line, but nothing in this section in any way affects or interferes with the rights of the municipality in the road allowance or is deemed to confer any title therein upon such owners or either of them. R.S.O. 1970, c. 248, s. 2 (3), *amended*.

Unopened road allowance

(2) No person shall initiate proceedings for calling on the fence-viewers to act under subsection 1 without the approval of the council of the municipality in which the road allowance is situate. *New*.

Approval of council required

19.—(1) Where land that was formerly used as part of a line of railway is conveyed in its entire width by the railway company,

Duties of owner of former railway right-of-way

(a) to the owner of abutting land, such owner, his heirs, executors and assigns, are responsible for

constructing, keeping up and repairing the fence that marks the lateral boundary between the conveyed lands and the lands of the adjoining owner for a period of ten years from the date of the conveyance and thereafter section 4 applies;

(b) to a person who is not the owner of abutting land, such person, his heirs, executors and assigns, are responsible for constructing, keeping up and repairing the fences that mark the lateral boundaries of such land; or

(c) to the Crown in right of Ontario, a Crown agency within the meaning of *The Crown Agency Act* or the corporation of a municipality where the Crown, Crown agency or corporation, as the case may be, is not the owner of abutting land, the Crown, Crown agency or corporation is responsible for constructing, keeping up and repairing the fences that mark the lateral boundaries of such land. R.S.O. 1970, c. 248, s. 3, *amended*.

R.S.O. 1970,
c. 100

Interpre-
tation

(2) For the purpose of clause *c* of subsection 1, "municipality" includes a regional, metropolitan or district municipality and the County of Oxford. *New*.

Certain
fences
removable
on notice

20.—(1) The owner of the whole or part of a line fence that forms part of the fence marking the boundary between his land and the land of an adjoining owner shall not take down or remove any part of such fence.

(a) without giving at least six months previous notice of his intention to the owner or occupant of the adjacent land unless the owner or occupant, after demand made upon him in writing by the owner of the fence, refuses to pay therefor the sum determined as provided by section 7; or

(b) if such owner or occupant will pay to the owner of the fence or part thereof such sum as the fence-viewers may award to be paid therefor under section 7.

Other
provisions
of Act
to apply

(2) The provisions of this Act for determining disputes between owners of adjoining lands, the manner of enforcing awards and appeals therefrom and the prescribed forms and all other provisions of this Act, so far as applicable, apply to proceedings under this section. R.S.O. 1970, c. 248, s. 16, *amended*.

21.—(1) If any tree is thrown down by accident or otherwise so as to cause damage to a line fence, the owner or occupant of the land on which the tree stood shall forthwith remove the tree and repair the fence. R.S.O. 1970, c. 248, s. 17 (1), *amended*. Where tree thrown across line fence

(2) On the neglect or refusal of the owner or occupant of the land on which the tree stood so to do for forty-eight hours after notice in writing to remove the tree, the adjoining land-owner may remove it in the most convenient and inexpensive manner, and may make good the fence so damaged, and may retain the tree to remunerate him for such removal. R.S.O. 1970, c. 248, s. 17 (2), *amended*. When adjoining land-owner may remove tree

(3) A person who repairs a fence under subsection 2 may recover the costs of the work in the same manner as an owner under subsection 3 of section 11 may recover the value of work done by him. *New*. Recovery of cost

(4) For the purpose of such removal, the owner of the tree may enter into and upon the adjoining land doing no unnecessary spoil or waste. Right of entry

(5) All questions arising under this section shall be adjusted by three fence-viewers of the municipality, the decision of any two of whom is binding upon the parties. R.S.O. 1970, c. 248, s. 17 (3, 4). Fence-viewers to decide disputes

22.—(1) This Act applies to lands owned by a municipality and to lands owned by a local board within the meaning of *The Municipal Affairs Act*, including a conservation authority. Act applies to lands of municipality or local board
R.S.O. 1970, c. 118

(2) For the purposes of this section, "municipality" includes a regional, metropolitan or district municipality and the County of Oxford. Interpretation

(3) The council of a municipality or a local board may enter into agreements with owners of land adjoining land owned by the municipality or the local board, as the case may be, for the construction, reconstruction, repair, maintenance and keeping up of line fences to mark the boundary of such lands, and any such agreement when reduced to writing in the prescribed form may be registered and enforced as if it were an agreement between owners under section 16. *New*. Agreements

23.—(1) Except as otherwise provided in subsections 2 and 3, this Act applies so as to bind the Crown in right of Ontario. Act binds Crown

Exception (2) This Act does not apply to lands of the Crown in right of Ontario that at no time have been disposed of by the Crown in right of Ontario by letters patent, deed or otherwise.

Limitation (3) Notwithstanding any other provision in this Act, an award made under section 7 in respect of lands vested in the Crown in right of Ontario shall not require the Crown to be responsible for more than one-half of the fence or to pay to the adjoining owner an amount exceeding 50 per cent of the cost of the fence. *New.*

Act does not apply to lands that constitute public highway

24. Notwithstanding sections 22 and 23, this Act does not apply to any lands that constitute a public highway. *New.*

Where Act not to apply

25. The provisions of this Act respecting the apportionment of the costs of a line fence and the enforcement thereof do not apply in a municipality where a by-law passed under paragraph 21 of subsection 1 of section 354 of *The Municipal Act* is in force. *New.*

R.S.O. 1970, c. 284

Regulations by Minister

26. The Minister may make regulations prescribing forms for the purposes of this Act and providing for their use. *New.*

Regulations by Lieutenant Governor in Council

27. The Lieutenant Governor in Council may make regulations to provide for determining how the costs of line fences marking the boundary between lands situate in territory without municipal organization shall be apportioned, and for providing for the manner in which any amount so apportioned shall be recoverable. *New.*

Inspection of awards, decisions, etc.

28. Subsection 1 of section 216 of *The Municipal Act* applies, with necessary modifications, to an award, certificate, determination, decision, notice or other document that, as a result of proceedings initiated under this Act is in the possession or under the control of the clerk or a person designated by the council under this Act for the purpose of giving notices. *New.*

R.S.O. 1970, c. 248, repealed

29. *The Line Fences Act*, being chapter 248 of the Revised Statutes of Ontario, 1970, is repealed.

Commencement

30. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

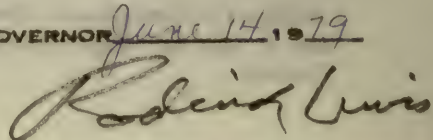
Short title

31. The short title of this Act is *The Line Fences Act*, 1979.

ASSSENTED TO BY LIEUTENANT-GOVERNOR

June 14, 1979





CLERK
LEGISLATIVE ASSEMBLY

An Act to revise
The Line Fences Act

1st Reading

March 15th, 1979

2nd Reading

May 24th, 1979

3rd Reading

June 14th, 1979

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

Pauline G. G. S. H.
BILL 18

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Ontario Unconditional Grants Act, 1975**

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 18

1979

An Act to amend The Ontario Unconditional Grants Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 5 of section 7 of *The Ontario Unconditional Grants Act, 1975*, being chapter 7, is repealed and the following substituted therefor:

(5) Notwithstanding subsection 2, except where there has been a different assessment generally of real property in an area municipality under section 86 of *The Assessment Act*, the net regional levy and the net lower tier levy charged against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized assessment of each merged area bears to the total equalized assessment of the area municipality both according to the last revised assessment roll as equalized by the Ministry of Revenue.

Apportionment
among merged
areas
s. 7 (5),
re-enacted
R.S.O. 1970,
c. 32

- (2) The said section 7, as amended by the Statutes of Ontario, 1977, chapter 7, section 4, is further amended by adding thereto the following subsection:

(5a) Notwithstanding the provisions of any Act establishing a regional municipality, where there has been a different assessment generally of real property in an area municipality under section 86 of *The Assessment Act*, the rates levied by such area municipality shall be levied in accordance with subsection 2.

Levy by
area
municipality
where different
assessment
generally under
R.S.O. 1970,
c. 32, s. 86

2. Where the Minister is of the opinion that property taxes in a municipality have been or may be unduly high because of the equalization factor used in determining a resource equalization grant under section 9 of *The Ontario Unconditional Grants Act, 1975*, the Minister may, in 1979, by order, make a grant or a

Grant or
loan by
Minister in
1979
1975, c. 7

loan to the municipality on such terms and conditions as the Minister considers necessary in the circumstances.

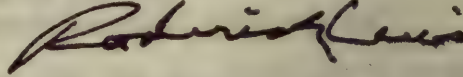
Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is *The Ontario Unconditional Grants Amendment Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR APRIL 17 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Ontario Unconditional
Grants Act, 1975

1st Reading

March 15th, 1979

2nd Reading

April 10th, 1979

3rd Reading

April 10th, 1979

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

Pauline P. L. L. L.
BILL 20

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend The Residential Premises Rent Review
Act, 1975 (2nd Session)**

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 20

1979

An Act to amend The Residential Premises Rent Review Act, 1975 (2nd Session)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 20 of *The Residential Premises Rent Review Act, 1975 (2nd Session)*, being chapter 12, as re-enacted by the Statutes of Ontario, 1978, chapter 103, section 1, is amended by striking out "30th day of June" in the fifth line and inserting in lieu thereof "30th day of September". s. 20 (1),
amended
- (2) Clause *a* of subsection 2 of the said section 20 is amended by striking out "30th day of June" in the third line and in the third and fourth lines and inserting in lieu thereof in each instance "30th day of September". s. 20 (2) (a),
amended
- (3) Subclause *i* of clause *b* of subsection 2 of the said section 20 is amended by striking out "30th day of June" in the second and third lines and inserting in lieu thereof "30th day of September". s. 20 (2) (b) (i),
amended
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Residential Premises Rent Review Amendment Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR MARCH 29 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend The Residential Premises
Rent Review Act, 1975 (2nd Session)

1st Reading

March 15th, 1979

2nd Reading

March 27th, 1979

3rd Reading

March 27th, 1979

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

1. Act. no. 7 / 2. 1979

BILL 22

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Ministry of Consumer and Commercial Relations Act

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 22

1979

An Act to amend The Ministry of Consumer and Commercial Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 4 of section 7 of *The Ministry of Consumer and Commercial Relations Act*, being chapter 113 of the Revised Statutes of Ontario, 1970, is amended by striking out “administered by the Minister” in the third and fourth lines and inserting in lieu thereof “under which hearings are assigned to the Tribunal”. s. 7 (4),
amended

(2) Subsection 7a of the said section 7, as enacted by the Statutes of Ontario, 1973, chapter 95, section 1, is repealed and the following substituted therefor: s. 7 (7a),
re-enacted

(7a) Where the nature or size of an industry for which registration is required under an Act referred to in subsection 4 is such that a decision by one person engaged in the industry in respect of the affairs of another person engaged in the industry could not reasonably be made without the possibility of a conflict of interest, the Lieutenant Governor in Council may make regulations exempting the Act from the application of subsections 4 and 7. Application
of subss. 4
and 7

2. Section 9b of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 28, is amended by adding thereto the following subsection: s. 9b,
amended

(3a) Where a hearing is assigned to the Tribunal under an Act not administered by the Minister of Consumer and Commercial Relations, the minister administering the Act under which the hearing is assigned to the Tribunal is the minister entitled to be heard under subsection 3. Idem

3. Section 11 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 23, is repealed. s. 11,
repealed

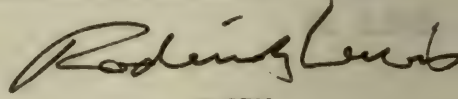
Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is *The Ministry of Consumer and Commercial Relations Amendment Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR MAY 18 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Ministry of Consumer and
Commercial Relations Act

1st Reading

March 15th, 1979

2nd Reading

May 17th, 1979

3rd Reading

May 17th, 1979

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Environmental Protection Act, 1971**

THE HON. H. C. PARROTT
Minister of the Environment

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 24

1979

An Act to amend The Environmental Protection Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 15 of *The Environmental Protection Act, 1971*, being 1971, c. 86, chapter 86, as amended by the Statutes of Ontario, 1972, ^{s. 15,} repealed chapter 106, section 4, is repealed.
2. The said Act is amended by adding thereto the following Part: Part VIII-A,
(ss. 68a-68l),
enacted

PART VIII-A

SPILLS

68a.—(1) In this Part,

(Interpre-
tation)

- (a) “adverse effects” means the effects, or any of the effects, mentioned in clauses *a* to *h* of subsection 1 of section 68*b*;
- (b) “discharge”, when used as a verb, includes add, deposit, emit or leak and, when used as a noun, includes addition, deposit, emission or leak;
- (c) “municipality” means the corporation of a county, city, town, village, township or improvement district;
- (d) “owner of the pollutant” means the owner of the pollutant immediately before the first discharge of the pollutant, whether into the natural environment or not, in a quantity or with a quality abnormal at the location where the discharge occurs, and “owner of a pollutant” has a corresponding meaning;
- (e) “person having control of a pollutant” means the person and his employee or agent, if any, having the

charge, management or control of a pollutant immediately before the first discharge of the pollutant, whether into the natural environment or not, in a quantity or with a quality abnormal at the location where the discharge occurs, and "person having control of the pollutant" has a corresponding meaning;

- (f) "pollutant" means a contaminant other than heat, sound, vibration or radiation, and includes any substance from which a pollutant is derived;
- (g) "practicable" means capable of being effected or accomplished;
- (h) "regional municipality" means the corporation of a metropolitan area, regional area or district area;
- (i) "restore the natural environment", when used with reference to a spill of a pollutant, means restore all forms of life, physical conditions, the natural environment and things existing immediately before the spill of the pollutant that are affected or that may reasonably be expected to be affected by the pollutant, and "restoration of the natural environment", when used with reference to a spill of a pollutant, has a corresponding meaning;
- (j) "spill", when used with reference to a pollutant, means a discharge,
 - (i) into the natural environment,
 - (ii) from or out of a structure, vehicle or other container, and
 - (iii) that is abnormal in quality or quantity in light of all the circumstances of the discharge,

and when used as a verb has a corresponding meaning;

- (k) "substance" means any solid, liquid or gas, or any combination of any of them.

Abnormal
discharge

(2) A discharge of a pollutant designated by the regulations at a location designated by the regulations shall be deemed to be in a quantity or with a quality abnormal at the location.

Practicable

(3) In determining what is practicable for the purposes of this Part, regard shall be had to the technical, physical and financial resources that are or can reasonably be made available.

(4) This Part does not apply to the disposal of animal wastes in accordance with normal farming practices. Exception re farming

(5) A reference in this Part, other than in section 68b, to an owner of a pollutant or a person having control of a pollutant includes a successor, assignee, executor or administrator of the owner of the pollutant or the person having control of the pollutant. Successors, etc.

68b.—(1) Every person having control of a pollutant that is spilled and every person who spills or causes or permits a spill of a pollutant that, Notice to Ministry and others

- (a) causes or is likely to cause impairment of the quality of the natural environment for any use that can be made of it;
- (b) causes or is likely to cause injury or damage to property or to plant or animal life;
- (c) causes or is likely to cause harm or material discomfort to any person;
- (d) adversely affects or is likely to adversely affect the health of any person;
- (e) impairs or is likely to impair the safety of any person;
- (f) renders or is likely to render any property or plant or animal life unfit for use by man;
- (g) causes or is likely to cause loss of enjoyment of normal use of property; or
- (h) interferes or is likely to interfere with the normal conduct of business,

shall forthwith notify,

- (i) the Ministry;
- (j) the municipality or, if the spill occurred within the boundaries of a regional municipality, the regional municipality within the boundaries of which the spill occurred;
- (k) where the person is not the owner of the pollutant and knows or is able to ascertain readily the identity of the owner of the pollutant, the owner of the pollutant; and
- (l) where the person is not the person having control of the pollutant and knows or is able to ascertain

readily the identity of the person having control of the pollutant, the person having control of the pollutant,

of the spill, of the circumstances thereof, and of the action that the person has taken or intends to take with respect thereto.

When duty effective

(2) The duty imposed by subsection 1 comes into force in respect of each of the person having control of the pollutant and the person who spills or causes or permits the spill of the pollutant immediately he knows or ought to know that the pollutant is spilled and is causing or is likely to cause adverse effects.

Additional information to Director

(3) The person required by subsection 1 to give notice and the owner of the pollutant shall give to the Director such additional information in respect of the pollutant, the source of the pollutant and the spill of the pollutant as may be required by the Director.

Notice to Ministry by person investigating

(4) A member of a police force or an employee of a municipality or other public authority who is informed of or who investigates the spill of a pollutant shall forthwith notify the Ministry of the spill of the pollutant unless he has reasonable grounds for believing that such notice has been given to the Ministry by another person.

Duty to act

68c.—(1) The owner of a pollutant and the person having control of a pollutant that is spilled and that causes or is likely to cause adverse effects shall forthwith do everything practicable to prevent, eliminate and ameliorate the adverse effects and to restore the natural environment.

When duty effective

(2) The duty imposed by subsection 1 comes into force in respect of each of the owner of the pollutant and the person having control of the pollutant immediately the owner or person, as the case may be, knows or ought to know that the pollutant is spilled and is causing or is likely to cause adverse effects.

Directions by Minister

68d.—(1) Where a pollutant is spilled and the Minister is of the opinion that there are or are likely to be adverse effects as a result of the spill, the Minister, in the circumstances specified in subsection 2, may give directions in accordance with subsection 3 to the employees and agents of the Ministry.

Where Minister may give directions

(2) The Minister may give directions in accordance with subsection 3 where the Minister is of the opinion that it is in the best interest of the public to do so and,

- (a) the Minister is of the opinion that neither the person having control of the pollutant nor the owner of the pollutant will carry out promptly the duty imposed by section 68c;
- (b) the Minister is of the opinion that the person having control of the pollutant or the owner of the pollutant cannot be readily identified or located and that as a result the duty imposed by section 68c will not be carried out promptly; or
- (c) the person having control of the pollutant or the owner of the pollutant requests the assistance of the Minister in order to carry out the duty imposed by section 68c.

(3) Under this section, the Minister may direct the employees and agents of the Ministry to do everything practicable or to take such action as may be specified in the directions in respect of the prevention, elimination and amelioration of the adverse effects and the restoration of the natural environment. Contents of directions

(4) The Minister may give directions amending or revoking directions given under this section. Further directions

(5) No Act, regulation, by-law, order, permit, approval or licence bars the employees and agents of the Ministry from acting in accordance with directions given by the Minister under this section. Employees and agents

(6) The Minister need not hold or afford to any person an opportunity for a hearing before giving directions under this section. Hearing

68e.—(1) For the purpose of carrying out any duty imposed or order or direction made or given under this Part, any person subject to the duty or to whom the order or direction is made or given and his employees and agents, may enter and have access through or over any building, structure, vehicle, land, water or air and may construct structures and use machinery, structures, materials, and equipment therein or thereon and may remove therefrom the pollutant or any matter, thing, plant or animal or any part of the natural environment that is affected or that may reasonably be expected to be affected by the pollutant. Entry and removal

(2) The rights set out in subsection 1 may be enforced by application without notice to a judge of the Supreme Court or a local judge of the High Court by a person, employee or agent referred to in subsection 1. Enforcement of right of entry, etc.

Order by
judge

(3) Where the judge or local judge is satisfied, on an application under subsection 2, that there is reasonable ground for believing that it is necessary,

- (a) to enter and have access through or over any building, structure, vehicle, land, water or air;
- (b) to construct structures or use machinery, structures, materials or equipment therein or thereon; or
- (c) to remove the pollutant or any matter, thing, plant or animal or any part of the natural environment that is affected or that may reasonably be expected to be affected by the pollutant,

for the purpose of carrying out any duty imposed or order or direction made or given under this Part, the judge or local judge may issue an order authorizing the person and his employees and agents or any one or more of them to act as mentioned in clauses *a*, *b* and *c*, or any of them, but every such action shall be taken between sunrise and sunset unless the judge or local judge authorizes them or any of them to act at another time.

Disposal of
pollutant,
etc.

68f.—(1) No person, employee or agent exercising any authority under subsection 1 of section 68j or carrying out any duty imposed or order or direction made or given under this Part shall dispose of or use any pollutant, or any matter, thing, plant or animal or any part of the natural environment that is affected or that may reasonably be expected to be affected by the pollutant except,

- (a) in accordance with an order of or direction by the Minister under this or any other Act;
- (b) in accordance with a direction by or the approval of the Director, but such a direction or approval shall not be contrary to the regulations; or
- (c) in accordance with an approval, order, requirement or direction by the Director under any other Part of this Act or by a Director under any other Act administered by the Minister, but such an approval, order, requirement or direction shall not be contrary to the regulations.

Direction or
approval by
Director

(2) The Director may give to any person, employee or agent mentioned in subsection 1, and may amend or revoke, a direction or approval mentioned in clause *b* of subsection 1 and may do so notwithstanding the terms of or conditions in a certificate of approval issued under Part V in respect of a waste disposal site.

(3) The Director may attach such conditions as he con- ^{Conditions}
siders necessary to an approval mentioned in clause *b* of
subsection 1.

(4) The Director need not hold or afford to any person ^{Hearing}
an opportunity for a hearing before giving, amending or
revoking a direction or approval referred to in clause *b* of
subsection 1.

68g.—(1) Where a pollutant is spilled and the Minister is ^{Orders by}
of the opinion that there are or are likely to be adverse ^{Minister}
effects and that it is in the best interest of the public to
make an order under this section, the Minister may make an
order directed to one or more of the following:

1. The owner of the pollutant.
2. The person having control of the pollutant.
3. The owner or the person having the charge, manage-
ment or control of any real property or personal
property that is affected or that may reasonably be
expected to be affected by the pollutant.
4. The municipality or regional municipality, or both
of them, within whose boundaries the spill occurred.
5. Any municipality or regional municipality contig-
uous to the municipality or regional municipality
within whose boundaries the spill occurred.
6. Any municipality or regional municipality that is
affected or that may reasonably be expected to be
affected by the spill of the pollutant.
7. Any public authority.
8. Any person who is or may be adversely affected
by the pollutant or whose assistance is necessary,
in the opinion of the Minister, to prevent, eliminate
or ameliorate the adverse effects or to restore the
natural environment.

(2) In an order under this section, the Minister may require ^{Content of}
the doing of everything practicable or the taking of such ^{orders}
action as may be specified in the order in respect of the
prevention, elimination and amelioration of the adverse

effects and the restoration of the natural environment within such period or periods of time as may be specified in the order.

Idem

(3) In an order under this section, the Minister may require the doing of everything practicable or the taking of such action as may be specified in the order in respect of the use or disposal of,

(a) the pollutant; or

(b) any matter, thing, plant or animal or any part of the natural environment affected or that may reasonably be expected to be affected by the pollutant,

within such period or periods of time as may be specified in the order.

Amendment
or revocation
of order

(4) The Minister by an order may amend or revoke an order made under this section.

Effect of
any Act,
regulation,
etc.

(5) The Minister may make an order under this section notwithstanding any Act, regulation, by-law, order, permit, approval or licence.

Hearing

(6) The Minister need not hold or afford to any person an opportunity for a hearing before making an order under this section.

Notice
of order

(7) The Minister may direct, orally or in writing, a representative of the Ministry to give a written notice setting out an order of the Minister made orally or in writing under this section.

Effect of
notice

(8) An order of the Minister set out in a notice under subsection 7 is for all purposes an order of the Minister made under this section.

Service of
order or
notice

(9) Where an order under this section or a notice under subsection 7 that sets out an order is given to an employee or agent of an employer or principal named in the order, the order shall be deemed to be given to the employer or principal.

Writing
required

(10) An order under this section is not effective unless it is set out in writing or is set out in a notice referred to in subsection 7.

68h. A person that in good faith and in a reasonable manner, in carrying out or attempting to carry out,

Effect of compliance with duty, or order, etc.

- (a) a duty imposed by this Part; or
- (b) an order or direction by the Minister or a direction or approval by the Director under this Part,

takes or refrains from taking any action shall not be convicted of an offence in respect of such taking or refraining from taking of action.

68i.—(1) In this section, “loss or damage” includes personal injury, loss of life, loss of use or enjoyment of property and pecuniary loss, including loss of income.

Interpretation

(2) Her Majesty in right of Ontario or in right of Canada or any other person has the right to compensation,

Right to compensation

- (a) for loss or damage incurred as a direct result of,
 - (i) the spill of a pollutant that causes or is likely to cause adverse effects,
 - (ii) the exercise of any authority under subsection 1 of section 68j or the carrying out of or attempting to carry out a duty imposed or an order or direction made under this Part, or
 - (iii) neglect or default in carrying out a duty imposed or an order or direction made under this Part;
- (b) for all reasonable cost and expense incurred in respect of carrying out or attempting to carry out an order or direction under this Part,

from the owner of the pollutant and the person having control of the pollutant.

(3) An owner of a pollutant or a person having control of a pollutant is not liable under subsection 2 if he establishes that he took all reasonable steps to prevent the spill of the pollutant or if he establishes that the spill of the pollutant was wholly caused by.

Exception

- (a) an act of war, civil war, insurrection, an act of terrorism or an act of hostility by the government of a foreign country;

- (b) a natural phenomenon of an exceptional, inevitable and irresistible character; or
- (c) an act or omission with intent to cause harm by a person other than a person for whose wrongful act or omission the owner of the pollutant or the person having control of the pollutant is by law responsible,

or any combination thereof.

Qualification

(4) Subsection 3 does not relieve the owner of the pollutant or the person having control of the pollutant,

- (a) from liability for loss or damage that is a direct result of neglect or default of the owner of the pollutant or the person having control of the pollutant in carrying out a duty imposed or an order or direction made under this Part; or
- (b) from liability, under clause *a* of subsection 2, for cost and expense incurred or, under clause *b* of subsection 2, for all reasonable cost and expense incurred,
 - (i) to do everything practicable to prevent, eliminate and ameliorate the adverse effects; or
 - (ii) to do everything practicable to restore the natural environment,

or both.

Enforcement
of right

(5) The right to compensation under subsection 2 may be enforced by action in a court of competent jurisdiction.

Liability

(6) Liability under subsection 2 does not depend upon fault or negligence.

Contribution

(7) In an action under this section,

- (a) where the plaintiff is an owner of the pollutant or a person having control of the pollutant, the court shall determine the degree, if any, in which the plaintiff would be liable to make contribution or indemnification under subsection 8 if the plaintiff were a defendant; and
- (b) where the plaintiff is not an owner or a person having control referred to in clause *a*, the court shall determine the degree, if any, in which the plaintiff caused or contributed to the loss, damage, cost or expense by fault or negligence,

and the court shall reduce the compensation by the degree, if any, so determined.

(8) Where two or more persons are liable to pay compensation under this section, they are jointly and severally liable to the person suffering the loss, damage, cost or expense but as between themselves, in the absence of an express or implied contract, each is liable to make contribution to and indemnify each other in accordance with the following principles:

Extent of liability

1. Where two or more persons are liable to pay compensation under this section and one or more of them caused or contributed to the loss, damage, cost or expense by fault or negligence, such one or more of them shall make contribution to and indemnify,
 - i. where one person is found at fault or negligent, any other person liable to pay compensation under this section, and
 - ii. where two or more persons are found at fault or negligent, each other and any other person liable to pay compensation under this section in the degree in which each of such two or more persons caused or contributed to the loss, damage, cost or expense by fault or negligence.
2. For the purpose of subparagraph ii of paragraph 1, if it is not practicable to determine the respective degrees in which the fault or negligence of two or more persons liable to pay compensation under this section caused or contributed to the loss, damage, cost or expense, such two or more persons shall be deemed to be equally at fault or negligent.
3. Where no person liable to pay compensation under this section caused or contributed to the loss, damage, cost or expense by fault or negligence, each of the persons liable to pay compensation is liable to make contribution to and indemnify each other in such degree as is determined to be just and equitable in the circumstances.

(9) The right to contribution or indemnification under subsection 8 may be enforced by action in a court of competent jurisdiction.

Enforcement of contribution

(10) Wherever it appears that a person not already a party to an action under this section may be liable in respect of the

Adding parties

loss, damage, cost or expense for which compensation is claimed, the person may be added as a party defendant to the action upon such terms as are considered just or may be made a third party to the action in the manner prescribed by the rules of practice for adding third parties.

Settlement
and recovery
between
persons
liable

(11) A person liable to pay compensation under this section may recover contribution or indemnity from any other person liable to pay compensation under this section in respect of the loss, damage, cost or expense for which the compensation is claimed by settling with the person suffering the loss, damage, cost or expense and continuing the action or commencing an action against such other person.

Amount of
settlement

(12) A person who has settled a claim and continued or commenced an action as mentioned in subsection 11 must satisfy the court that the amount of the settlement was reasonable, and, if the court finds the amount was excessive, the court may fix the amount at which the claim should have been settled.

Limitation for
actions for
compensation

(13) No person is liable to an action for compensation under this section unless the action is commenced within two years from,

- (a) where the person commencing the action incurred loss or damage as a result of the spill of a pollutant, the date when the person knew or ought to have known of the loss or damage;
- (b) where the person commencing the action incurred loss or damage as a result of carrying out or attempting to carry out or neglect or default in carrying out a duty imposed or an order or direction made under this Part, the date when the person knew or ought to have known of the loss or damage; or
- (c) where the person commencing the action incurred cost and expense in respect of carrying out or attempting to carry out an order or direction made under this Part, the date when the person incurred the cost and expense.

Limitations
for actions for
contribution
or indemnity

(14) Where, within the period of time prescribed by subsection 13, an action for compensation is commenced against a person liable to pay compensation under this section or a person liable to pay compensation under this section settles a claim for compensation with a person who has suffered loss, damage, cost or expense, no proceedings for contribution or indemnity against another person liable to pay compensation under this section are defeated by the operation of any Act

limiting the time for the commencement of action against such other person if,

- (a) the proceedings are commenced within one year of the date of the judgment in the action or the settlement, as the case may be; and
- (b) there has been compliance with any Act requiring notice of claim against such other person.

68j—(1) Where a pollutant is spilled and causes or is likely to cause adverse effects,

Action by
municipality
or designated
persons

- (a) a municipality;
- (b) a regional municipality; and
- (c) a person or a member of a class of persons designated by the regulations,

or any one or more of them, may do everything practicable to prevent, eliminate and ameliorate the adverse effects and to restore the natural environment.

(2) A municipality or regional municipality or a person or member of a class of persons designated by the regulations acting under subsection 1 or an employee or agent of any of them so acting has the rights of a person under section 68e and, if acting in good faith and in a reasonable manner, the immunity conferred on a person by section 68h.

Right of
entry and
immunity
from prosecution

(3) A municipality or regional municipality or a person or a member of a class of persons designated by the regulations acting under subsection 1 must,

Co-operation
with others

- (a) co-ordinate efforts with;
- (b) make use of the expertise of; and
- (c) not impede,

a person carrying out a duty, order or direction under this Part.

(4) A municipality, a regional municipality or a person or member of a class of persons designated by the regulations has the right to compensation from the owner of the pollutant and the person having control of the pollutant for all reasonable cost and expense incurred in acting under subsection 1.

Right to
compensation

Enforcement

(5) The right to compensation under subsection 4 may be enforced by action in a court of competent jurisdiction.

Application
of s. 68i (6-14)

(6) Where the right to compensation under subsection 4 arises, subsections 6 to 14 of section 68i apply with necessary modifications.

Right to
compensation
from Crown

68k.—(1) A person, other than a person referred to in subsection 2, entitled under clause *b* of subsection 2 of section 68i to compensation for reasonable cost and expense has the right, subject to the conditions prescribed by the regulations, to payment of such compensation from Her Majesty in right of Ontario.

Application
of subs. 1

(2) Subsection 1 does not give a right to payment of compensation to,

- (a) the owner of the pollutant;
- (b) the person having control of the pollutant;
- (c) a person liable at law other than under this Part for loss, damage, cost or expense arising from the spill of the pollutant;
- (d) a person that has a right under a contract to payment of the reasonable cost and expense referred to in subsection 1,

or an employee or agent of any of them.

Enforcement
of right

(3) The right to payment of compensation under subsection 1 may be enforced by action in a court of competent jurisdiction.

Recovery
by Crown

(4) Where compensation has been paid under subsection 1, Her Majesty in right of Ontario has the right to recover in the place of the person to whom the compensation was paid to the extent of the amount of the payment of compensation by and any costs of Her Majesty.

Idem

(5) Her Majesty in right of Ontario is entitled under subsection 4 to all rights of recovery whether under this Part or otherwise that the person has against any other person.

Idem

(6) For the purposes of subsection 4, the payment of compensation by Her Majesty in right of Ontario under subsection 1 shall not be construed to affect the right of the person under subsection 2 of section 68i to compensation for reasonable cost and expense so paid by Her Majesty.

(7) The right to compensation under subsection 4 may be enforced in a court of competent jurisdiction by Her Majesty in right of Ontario in Her Majesty's name or in the name of the person to whom the compensation has been paid. Enforcement

(8) A person that fails to comply with or contravenes a condition prescribed by the regulations that must be complied with before payment of compensation under subsection 1 is disentitled to the payment. Disentitle-
ment

(9) Where a person fails to comply with or contravenes a condition prescribed by the regulations that attaches to the payment of compensation under subsection 1, Her Majesty in right of Ontario has the right to recover the amount of the compensation paid and the right may be enforced in a court of competent jurisdiction. Repayment

(10) An insurer as defined in *The Insurance Act* only acquires its subrogated right of recovery under any law, including sections 126 and 240 of *The Insurance Act*, or the provisions of any contract of insurance in respect of a person to whom a payment of compensation has been made under subsection 1 when Her Majesty in right of Ontario consents in writing to a settlement in accordance with which the right of recovery is discharged or to the bringing of an action to enforce the right of recovery. Right of
insurer
under
R.S.O. 1970,
c. 224

(11) If an insurer referred to in subsection 10 purports to make a settlement or brings an action without the consent of Her Majesty, the insurer is liable to Her Majesty in right of Ontario in an amount equal to the amount of the payment of compensation under subsection 1 to the extent of the recovery under the judgment with respect to which the action was brought or the amount paid to the insurer in accordance with the settlement. Where
consent not
obtained

(12) A release in furtherance of or in accordance with a purported settlement made without the consent of Her Majesty in right of Ontario is a nullity. Effect of
release

(13) Her Majesty shall not unreasonably withhold the consent referred to in subsections 10, 11 and 12, but Her Majesty may attach conditions to the consent and may revoke the consent for breach of such a condition. Withholding
of consent

(14) The provisions of this section apply notwithstanding any other law or the provisions of any contract of insurance. Conflict

68ka. In this section and in sections 68kb to 68kt,

Interpre-
tation

(a) "corporation" means the Environmental Compensation Corporation established by section 68kj;

(b) “director” means director of the corporation;

(c) “payment” means payment referred to in subsection 1 of section 68*kb* in respect of a spill of a pollutant.

Corporation
to authorize
payment

68*kb*.—(1) Upon application, the corporation shall authorize payment in respect of a spill of a pollutant to,

- (a) any person who has incurred loss or damage as a direct result of,
 - (i) the spill of a pollutant that causes or is likely to cause adverse effects,
 - (ii) the exercise of any authority under subsection 1 of section 68*j* or the carrying out of or attempting to carry out a duty imposed or an order or direction made under this Part, or
 - (iii) neglect or default in carrying out a duty imposed or an order or direction made under this Part;
- (b) any person who has incurred reasonable cost and expense in respect of carrying out or attempting to carry out an order or direction under this Part; and
- (c) the owner of the pollutant and the person having control of the pollutant who are liable to pay compensation under this Part,

if such person, owner of the pollutant or person having control of the pollutant is a member of a class prescribed by the regulations and meets the conditions prescribed by the regulations.

Amount

(2) The amount of the payment that the corporation shall authorize under subsection 1 shall be calculated in the manner prescribed by the regulations,

- (a) generally;
- (b) in respect of the class of which the person, the owner of the pollutant or the person having control of the pollutant is a member; or
- (c) in respect of a class prescribed by the regulations,
 - (i) of spills of pollutants,
 - (ii) of loss or damage, or
 - (iii) of cost or expense.

(3) The corporation shall not authorize payment under subsection 1 in excess of a limit prescribed by the regulations or in excess of a limit calculated in the manner prescribed by the regulations and, in either case, Limit

(a) generally;

(b) in respect of the class of which the person, the owner of the pollutant or the person having control of the pollutant is a member; or

(c) in respect of a class prescribed by the regulations,

(i) of spills of pollutants,

(ii) of loss or damage, or

(iii) of cost or expense.

68kc.—(1) The corporation shall not authorize a payment to a person who fails to comply with or contravenes a condition prescribed by the regulations that must be complied with before the payment. Failure to comply with condition precedent

(2) Where a person fails to comply with or contravenes a condition prescribed by the regulations that attaches to a payment, the corporation has the right to recover on behalf of Her Majesty in right of Ontario the amount of the payment and the costs of the corporation, and the right may be enforced by action in a court of competent jurisdiction. Failure to comply with condition subsequent

68kd. In assessing the amount of a payment, the corporation, except as may be prescribed by the regulations, shall take into consideration any benefit, compensation or indemnity payable to the person from any source. Matters to be considered by corporation

68ke.—(1) The corporation shall make a proposal in respect of payment in connection with each application for payment and shall give notice of its proposal, together with written reasons therefor, to the applicant. Proposal re payment of compensation

(2) The corporation may cause an investigation and report to be made in respect of the performance of its function and the exercise of its powers in any matter. Investigations

68kf. *The Statutory Powers Procedure Act, 1971* does not apply to proceedings of or proposals in respect of payment by the corporation under this Part or the regulations. 1971, c. 47 not to apply

68kg.—(1) An applicant for payment may accept a proposal by the corporation by notice in writing given to the corporation Rights of applicant

within twenty days after the applicant is given notice of the proposal or, if the applicant is dissatisfied with the proposal, the applicant may apply within the twenty days to the High Court by originating notice for the determination of the right of the applicant to payment and the amount of the payment, and on such application the court, in accordance with the rules of court, may determine the right to payment and the amount or may direct the trial of the issue.

Minister
entitled to
be heard

(2) The Minister is entitled to be heard, by counsel or otherwise, upon the hearing of an application by the High Court under subsection 1 or any proceeding or appeal with respect thereto.

Extension
of time for
acceptance
of proposal

(3) The corporation may extend the time for accepting a proposal by the corporation under subsection 1, either before or after the expiration of the time, where the corporation is satisfied that there are reasonable grounds for applying for the extension.

Extension
of time for
application to
High Court

(4) The High Court may extend the time for applying to the High Court under subsection 1, either before or after the expiration of the time, where the High Court is satisfied that there are *prima facie* grounds for making a determination in favour of the applicant following the hearing or the trial of the issue under subsection 1 and that there are reasonable grounds for applying for the extension, and the High Court may give such directions as it considers proper consequent upon the extension.

Payment by
Treasurer of
Ontario

68kh.—(1) Where, in accordance with this Part and the regulations, an applicant has accepted a proposal by the corporation or has applied to the High Court and it has been finally determined that the applicant is entitled to payment and the amount of the payment has been finally determined, the corporation shall certify to the Treasurer of Ontario in the form prescribed by the regulations the amount of the payment and the person to whom it is payable and, subject to subsection 2, the Treasurer shall pay such amount to the person out of the Consolidated Revenue Fund.

Limitation

(2) The Treasurer of Ontario shall make payments under subsection 1 only during such period of time and subject to such conditions as may be prescribed by the regulations.

Recovery by
corporation

68ki.—(1) Where a payment is made in accordance with a certificate of the corporation, the corporation has the right on behalf of Her Majesty in right of Ontario to recover in the place of the person to whom the payment was made to the extent of the payment and any costs of the corporation.

Idem

(2) The corporation is entitled under subsection 1 to all rights of recovery whether under this Part or otherwise that the person has against any other person.

(3) The payment of an amount to a person in accordance with a certificate of the corporation shall not be construed to affect the right of the person to compensation under this Part or otherwise at law. Right to recovery

(4) The right of the corporation to recover under subsection 1 may be enforced in a court of competent jurisdiction by the corporation in its name or in the name of the person to whom the payment has been made. Enforcement

(5) An insurer as defined in *The Insurance Act* only acquires its subrogated right of recovery under any law, including sections 126 and 240 of *The Insurance Act*, or the provisions of any contract of insurance in respect of a person to whom a payment has been made in accordance with a certificate of the corporation when the corporation gives its consent in writing to a settlement in accordance with which the right of recovery is discharged or to the bringing of an action to enforce the right of recovery. Right of insurer under R.S.O. 1970, c. 224

(6) If an insurer referred to in subsection 5 purports to make a settlement or brings an action without the consent of the corporation, the insurer is liable to the corporation in an amount equal to the amount of the payment made in accordance with the certificate of the corporation to the extent of the recovery under the judgment with respect to which the action was brought or the amount paid to the insurer in accordance with the settlement. Where consent not obtained

(7) A release in furtherance of or in accordance with a purported settlement made without the consent of the corporation is a nullity. Effect of release

(8) The corporation shall not unreasonably withhold the consent referred to in subsections 5, 6 and 7 but the corporation may attach conditions to the consent and may revoke the consent for breach of such a condition. Withholding of consent

(9) The provisions of this section apply notwithstanding any law or the provisions of any contract of insurance. Conflict

68*kj*.—(1) There is hereby established a corporation without share capital with the name "Environmental Compensation Corporation". Environmental Compensation Corporation

(2) The corporation shall be composed of not fewer than three directors who shall be appointed by the Lieutenant Governor in Council. Appointment of directors

(3) The term of office of a director of the corporation is three years or until his successor is appointed and a director is eligible for reappointment. Term of office

Chairman	(4) The Lieutenant Governor in Council shall designate one of the directors as chairman.
Quorum	(5) A majority of the directors of the corporation constitutes a quorum.
Conduct of business by less than quorum	(6) The chairman may, in writing, authorize less than a quorum of the directors of the corporation to exercise the powers of the corporation in any matter specified by the chairman.
Management	68kk.—(1) The affairs of the corporation are under the management of its directors.
By-laws	(2) The directors may make by-laws regulating the proceedings of the corporation, governing the exercise of its powers and generally for the conduct and management of the affairs of the corporation.
By-laws by Lieutenant Governor in Council	(3) Where the Minister requests in writing that the corporation make, amend or revoke a by-law and the corporation has failed to do so, the Lieutenant Governor in Council may make the by-law, amendment or revocation specified in the request.
Powers	68kl. The powers of the corporation are, <ul style="list-style-type: none"> (a) to receive and assess applications for payment in accordance with sections 68ka to 68kt and the regulations; (b) to authorize payments in accordance with sections 68ka to 68kt and the regulations; (c) to take action or commence proceedings in any case where the corporation is authorized to do so by or under any Act or law; and (d) to carry out such other duties as may be prescribed by the regulations.
Remuneration of directors	68km. The corporation shall pay those of its directors who are not officers in the public service of the Province of Ontario such remuneration and expense allowance as may be fixed from time to time by the Lieutenant Governor in Council.
Agency	68kn.—(1) The corporation is an agency of the Crown.
Application of R.S.O. 1970, c. 89; 1976, c. 66	(2) <i>The Corporations Act</i> and <i>The Corporations Information Act, 1976</i> do not apply to the corporation.
Technical assistance	68ko. The corporation may engage on a temporary basis the services of persons having technical or specialized knowledge to

advise and assist the corporation in performing its function and exercising its powers and, with the approval of the Lieutenant Governor in Council, the corporation may fix and pay the remuneration and expenses of such persons.

68kp.—(1) The corporation may appoint inspectors to make investigations in respect of spills of pollutants in order to assist the corporation in the performance of its function and the exercise of its powers and to carry out such additional duties as may be prescribed by the regulations. Inspectors

(2) It is the duty of an inspector appointed by the corporation, Duties

- (a) to make investigations in respect of spills of pollutants in order to assist the corporation in assessing applications for payment received by the corporation;
- (b) to make such other investigations in respect of spills of pollutants as may be necessary or advisable to assist the corporation to perform its function and to exercise its powers; and
- (c) to carry out such additional duties as may be prescribed by the regulations.

68kq.—(1) Except as to information in respect of a spill of a pollutant, every director and every employee of the corporation and every person engaged or appointed by the corporation shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties or employment under this Act and shall not communicate any such matter to any other person except, Matters confidential

- (a) in connection with the administration of this Act and the regulations or in connection with any proceeding under this Act or the regulations;
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(2) Except in a proceeding under this Act or the regulations, no person to whom subsection 1 applies shall be required to give testimony, other than testimony in respect of a spill of a pollutant, in any civil suit or proceeding with regard to information obtained by him in the course of his duties or employment. Testimony

68kr. Section 96a (which provides protection from personal liability) applies to the directors and the employees of the corpora- Application of s. 96a

tion and to persons engaged or appointed by the corporation in the same manner as it applies to persons described in that section.

Audit

68ks. The accounts and financial transactions of the corporation shall be audited annually by the Provincial Auditor, and reports of the audit shall be made to the corporation and to the Minister.

Annual
report

68kt.—(1) The corporation shall make a report annually to the Minister upon the affairs of the corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Other
reports

(2) The corporation, in addition to making an annual report, shall make to the Minister such other reports on its affairs and operations as the Minister may require.

Right of
recourse

68l. Except as expressly provided in this Part, nothing in this Part limits or restricts any right or remedy that any person may have against another person.

Limitation

68m. The liability under this Part of farmers who are owners of pollutants or persons having control of pollutants and who are members of a class prescribed by the regulations is limited to the amount prescribed by the regulations or the amount calculated in the manner prescribed by the regulations in respect of such farmers.

s. 94,
amended

- 3.** Section 94 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 106, section 31, 1973, chapter 94, section 11 and 1976, chapter 49, section 1, is further amended by adding thereto the following subsection:

Regulations
relating to
Part VIII-A

(8) The Lieutenant Governor in Council may make regulations relating to Part VIII-A,

- (a) designating persons and classes of persons for the purposes of subsection 1 of section 68j and prescribing limitations that shall attach to any such designation;
- (b) prescribing conditions that must be complied with by applicants for payment of compensation under subsection 1 of section 68k before payment of the compensation;
- (c) prescribing conditions that shall attach to the payment of compensation under subsection 1 of section 68k;

- (d) designating discharges of pollutants and locations of discharges for the purposes of subsection 2 of section 68a, but no discharge of pollutant or location of discharge shall be designated that is in accordance with an approval, licence, permit, order or regulation under this Act or an approval, direction, notice, order, regulation or report under *The Ontario Water Resources Act* or a licence, order, permit or regulation under *The Pesticides Act, 1973*; R.S.O. 1970, c. 332 1973, c. 25
- (e) classifying spills and exempting any spill or any class of spill from the application of Part VIII-A or any section or portion of Part VIII-A and attaching conditions to any such exemption;
- (f) prescribing any matter required or authorized by Part VIII-A to be, or referred to in those sections as, prescribed by the regulations;
- (g) prescribing classes of or in respect of any matter that is or may be prescribed under clause f;
- (h) limiting the application of any regulation under clause f to any one or more of the classes prescribed under clause g;
- (i) classifying insurers, as defined in *The Insurance Act*, for the purposes of Part VIII-A and exempting any class of insurers from the application of Part VIII-A or any section or portion of Part VIII-A and attaching conditions to any such exemption. R.S.O. 1970, c. 224

4. Section 95 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 125, section 2, is further amended by adding thereto the following subsection: s. 95, amended

(3) Any class under this Act or the regulations may be defined with respect to any attribute, quality or characteristic or combination thereof and may be defined to include within the class any specified member or members whether or not with the same attributes, qualities or characteristics. Classes

5. Subsections 3 and 4 of section 32 of *The Ontario Water Resources Act*, being chapter 332 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 70, are repealed. R.S.O. 1970, c. 332, s. 32 (3, 4), repealed

6. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

7. The short title of this Act is *The Environmental Protection Amendment Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC. 20, 1979

Roderick Lewis

An Act to amend
The Environmental Protection
Act, 1971

1st Reading

March 27th, 1979

2nd Reading

May 15th, 1979

3rd Reading

December 11th, 1979

THE HON. H. C. PARROTT
Minister of the Environment

Amend
BILL 25

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Labour Relations Act

THE HON. R. G. ELGIE
Minister of Labour

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 37a,
enacted

37a.—(1) Notwithstanding the arbitration provision in a collective agreement or deemed to be included in a collective agreement under section 37, a party to a collective agreement may request the Minister to refer to a single arbitrator, to be appointed by the Minister, any difference between the parties to the collective agreement arising from the interpretation, application, administration or alleged violation of the agreement, including any question as to whether a matter is arbitrable. Referral of
grievances
to a single
arbitrator

(2) Subject to subsection 3, a request under subsection 1 may be made by a party to the collective agreement in writing after the grievance procedure under the agreement has been exhausted or after thirty days have elapsed from the time at which the grievance was first brought to the attention of the other party, whichever first occurs, but no such request shall be made beyond the time, if any, stipulated in or permitted under the agreement for referring the grievance to arbitration. Request for
reference

(3) Notwithstanding subsection 2, where a difference between the parties to a collective agreement is a difference respecting discharge from or other termination of employment, a request under subsection 1 may be made by a party to the collective agreement in writing after the grievance procedure under the agreement has been exhausted or after fourteen days have elapsed from the time at which the grievance was first brought to the attention of the other party, whichever first occurs, but no such request shall be Idem

made beyond the time, if any, stipulated in or permitted under the agreement for referring the grievance to arbitration.

Minister to
appoint
arbitrator

(4) Where a request is received under subsection 1, the Minister shall appoint a single arbitrator who shall have exclusive jurisdiction to hear and determine the matter referred to him, including any question as to whether a matter is arbitrable and any question as to whether the request was timely.

Idem

(5) Where a request or more than one request concerns several differences arising under the collective agreement, the Minister may in his discretion appoint an arbitrator under subsection 4 to deal with all the differences raised in the request or requests.

Settlement
officer

(6) The Minister may appoint a settlement officer to confer with the parties and endeavour to effect a settlement prior to the hearing by an arbitrator appointed under subsection 4.

Powers and
duties of
arbitrator

(7) An arbitrator appointed under subsection 4 shall commence to hear the matter referred to him within twenty-one days after the receipt of the request by the Minister and the provisions of subsections 5a, 6, 7, 8, 9, 10 and 11 of section 37 apply, with all necessary modifications, to the arbitrator, the parties and the decision of the arbitrator.

Oral
decisions

(8) Upon the agreement of the parties, the arbitrator shall deliver an oral decision forthwith or as soon as practicable without giving his reasons in writing therefor.

Payment of
arbitrator

(9) Where the Minister has appointed an arbitrator under subsection 4, each of the parties shall pay one-half of the remuneration and expenses of the person appointed.

Approval of
arbitrators,
etc.

(10) The Minister may establish a list of approved arbitrators and, for the purpose of advising him with respect to persons qualified to act as arbitrators and matters relating to arbitration, the Minister may constitute a labour-management advisory committee composed of a chairman to be designated by the Minister and six members, three of whom shall represent employers and three of whom shall represent trade unions, and their remuneration and expenses shall be as the Lieutenant Governor in Council determines.

Application

(11) This section does not apply to a collective agreement in operation on the day this section comes into force but applies to every collective agreement that is renewed or made after that date.

2. Subsection 1 of section 96 of the said Act is repealed and the following substituted therefor: s. 96 (1)
re-enacted

(1) Where a request is made under section 15, subsection 1 of section 37 or subsection 1 of section 37a, the Minister may refer to the Board any question that arises that in his opinion relates to his authority to make an appointment under any such provision that is mentioned in the reference, and the Board shall report to the Minister its decision on the question. Reference
of
questions

3. Section 105 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 76, section 28, is further amended by adding thereto the following clauses: s. 105.
amended

(aa) governing the assignment of arbitrators to conduct arbitrations and the carrying out and completion of such assignments;

(ab) providing for and prescribing a scale of fees and expenses allowable to arbitrators in respect of arbitrations and limiting or restricting the application of such a regulation;

(ac) providing a procedure for the review and determination of disputes concerning the fees and expenses charged or claimed by an arbitrator;

(ad) respecting the filing of schedules of fees and expenses by arbitrators;

(ae) respecting training programs for arbitrators;

(ba) governing the conduct of arbitration hearings and prescribing procedures therefor.

4. *The Ontario Labour-Management Arbitration Commission Act*, R.S.O. 1970, being chapter 320 of the Revised Statutes of Ontario, 1970, c. 320,
repealed is repealed.

5. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

6. The short title of this Act is *The Labour Relations Amendment Act*, Short title 1979.

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 14, 1979
Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

.....

An Act to amend
The Labour Relations Act

1st Reading

March 27th, 1979

2nd Reading

April 24th, 1979

3rd Reading

May 29th, 1979

THE HON. R. G. ELGIE
Minister of Labour

Pauline G. G. G. G.

BILL 29

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to provide for Municipal Hydro-Electric Service in
The Regional Municipality of Niagara**

THE HON. J. A. C. AULD
Minister of Energy

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 29

1979

An Act to provide for Municipal Hydro-Electric Service in The Regional Municipality of Niagara

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "accumulated net retail equity" means the portion of equity accumulated through debt retirement appropriations recorded for the Rural Power District relating to Ontario Hydro's rural retail system plus the portion of the balance recorded for customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;
- (b) "area municipality" has the same meaning as in *The Regional Municipality of Niagara Act*; R.S.O. 1970,
c. 406
- (c) "Minister" means the Minister of Intergovernmental Affairs;
- (d) "municipal commission" means a hydro-electric commission or public utilities commission entrusted with the control and management of works for the retail distribution and supply of power in the Regional Area within the meaning of *The Regional Municipality of Niagara Act* immediately before the coming into force of this Act and established or deemed to be established under Part III of *The Public Utilities Act*; R.S.O. 1970,
c. 390
- (e) "power" means electrical power and includes electrical energy;
- (f) "regulations" means the regulations made under this Act;

- (g) "retail", when used in relation to the distribution and supply of power, refers to the distribution and supply of power at voltages less than 50 kilovolts, but does not refer to works located within a transformer station that transform power from voltages greater than 50 kilovolts to voltages less than 50 kilovolts.

Commissions
established

2.—(1) On the day this Act comes into force, a hydro-electric commission for each of the towns of Grimsby and Lincoln, the City of Niagara Falls, the Town of Niagara-on-the-Lake, the Town of Pelham, the City of Port Colborne, the City of St. Catharines, the City of Thorold, the City of Welland and the Township of West Lincoln is hereby established.

Application of
R.S.O. 1970,
cc. 390, 354

(2) Each commission established by subsection 1 shall be deemed to be a commission established under Part III of *The Public Utilities Act* and a municipal commission within the meaning of *The Power Corporation Act*.

Names of
commissions

(3) Each commission established by subsection 1 shall be known by the name set out below that relates to the area municipality in respect of which the commission is established:

1. Grimsby Hydro-Electric Commission.
2. Lincoln Hydro-Electric Commission.
3. Niagara Falls Hydro-Electric Commission.
4. Niagara-on-the-Lake Hydro-Electric Commission.
5. Pelham Hydro-Electric Commission.
6. Port Colborne Hydro-Electric Commission.
7. St. Catharines Hydro-Electric Commission.
8. Thorold Hydro-Electric Commission.
9. Welland Hydro-Electric Commission.
10. West Lincoln Hydro-Electric Commission.

Composition

(4) Each commission established by subsection 1 shall consist of the mayor of the area municipality in respect of which the commission is established and either two or four

additional members who are qualified electors under *The 1977, c. 62 Municipal Elections Act, 1977* in the area municipality.

(5) The council of each area municipality shall determine by by-law whether the number of additional members of the commission established by subsection 1 in respect of the area municipality shall be two or four. When area municipality may determine size of commission

(6) For the term expiring with the 30th day of November, 1980, the council of each area municipality served by a commission established by subsection 1 shall appoint the additional members of the commission. Additional members of first commissions

(7) At least one half of the additional members appointed under subsection 6 shall be appointed from among the members of the municipal commission or the municipal commissions, as the case may be, that supplied power immediately before the coming into force of this Act in the area municipality in respect of which the commission is established by subsection 1. Idem

(8) At least one of the additional members appointed by the council of each area municipality under subsection 6 shall be a person who resides outside the part of the area municipality supplied with power by a municipal commission immediately before the coming into force of this Act. Idem

(9) For terms commencing after the 30th day of November, 1980, the additional members of each commission established by subsection 1 shall be elected by a general vote of the electors of the area municipality served by the commission, unless before the 1st day of July, 1980, the council of the area municipality provides by by-law that the additional members shall be appointed by the council. Additional members of subsequent commissions

(10) Members of the council of the area municipality served by a commission established by subsection 1 may be members of the commission, but the members of the council shall not form a majority of the commission. Eligibility of members of council

(11) A member of a commission established by subsection 1 shall hold office for the same term as the members of council or until his successor is elected or appointed. Term of office

(12) The council of an area municipality served by a commission established by subsection 1 may, by by-law passed with the written consent of the mayor, appoint a delegate Delegates

from among the members of the council to represent the mayor on the commission.

Salary
of first
commissions

(13) The salaries of the members of the commissions established by subsection 1 for the term expiring with the 30th day of November, 1980, shall be fixed on or before the 1st day of October, 1979 in an amount that does not exceed the highest salary paid to members of the municipal commissions operating in the Regional Area within the meaning of *The Regional Municipality of Niagara Act* on the 1st day of January, 1979.

R.S.O. 1970,
c. 406

Resignation

(14) A resignation from the council of an area municipality of a member of the council who is a member of a commission established by subsection 1 shall be deemed to be a resignation from both the council and the commission.

Where
more
than one
municipal
commission
in area

(15) Notwithstanding subsection 5, where an area municipality was served immediately before the coming into force of this Act by more than one municipal commission, for the term expiring with the 30th day of November, 1980, the number of additional members of the commission established by subsection 1 in respect of the area municipality shall be four and at least one of such additional members shall be appointed by the council of the area municipality from among the members of each of the municipal commissions.

Queenston
village
trustees
deemed
commission

(16) The trustees of the police village of Queenston as it existed on the 31st day of December, 1969 shall be deemed to have been established on that date as a hydro-electric commission for the control and management of works for the retail distribution and supply of power in the police village of Queenston under Part III of *The Public Utilities Act*.

R.S.O. 1970,
c. 390

Establish-
ment of
Wainfleet
commission
by by-law

3.—(1) The council of the Township of Wainfleet may, with the consent of Ontario Hydro, establish by by-law a hydro-electric commission for the Township of Wainfleet.

Name, etc.

(2) The commission established under subsection 1,

(a) shall be known as the Wainfleet Hydro-Electric Commission; and

(b) shall be deemed to be a commission established under Part III of *The Public Utilities Act* and a municipal commission within the meaning of *The Power Corporation Act*.

R.S.O. 1970,
cc. 390, 354

(3) The council of the Township of Wainfleet shall appoint the first additional members of the commission established under subsection 1.

First
additional
members

(4) Upon the establishment of the commission under subsection 1,

Application
of other
sections
of Act

(a) subsections 4, 5, 10, 11, 12 and 14 of section 2, subsections 5, 6 and 10 of section 4 and sections 5, 6 and 9 shall apply with necessary modifications;

(b) subsection 9 of section 2, subsections 1, 2, 7 and 12 to 16 of section 4 and section 7 shall apply with necessary modifications and, for the purpose, the dates mentioned therein shall be deemed to be the dates that shall be specified in the by-law mentioned in subsection 1; and

(c) the commission, for the purposes of clauses *a* and *b*, shall be deemed to be a commission established by section 2.

(5) Until such time as the power conferred by subsection 1 has been exercised,

Review of
distribution
and supply
of power

(a) the council of the Township of Wainfleet shall review the distribution and supply of power within the Township of Wainfleet at least once in every three years, and shall determine by resolution whether or not it is financially feasible to exercise the power conferred by subsection 1; and

(b) where the council determines as provided in clause *a* that it is financially feasible, the council shall exercise the power conferred by subsection 1.

4.—(1) Except as herein provided, all the powers, rights, authorities and privileges that are conferred by *The Public Utilities Act* on a municipal corporation with respect to power shall, on and after the 1st day of January, 1980, be exercised on behalf of each area municipality mentioned in subsection 1 of section 2 by the commission established by section 2 in respect of the area municipality and not by the council of any municipality or any other person.

Powers of
commissions
R.S.O. 1970,
c. 390

(2) Subject to subsections 3 and 6 and to any subsisting contracts for the supply of power made under section 70 of *The Power Corporation Act* or for the supply of power

Idem
R.S.O. 1970,
c. 354

at 25 hertz, on and after the 1st day of January, 1980, each commission established by section 2 has the sole right to distribute and supply power within the area municipality in respect of which it is established, and may contract with Ontario Hydro for the transmission and supply to the commission of power to be distributed and sold within the municipality without electoral assent or other approval or authorization and such a contract shall be deemed to be an agreement within the meaning of clause s of subsection 2 of section 293 of *The Municipal Act*.

R.S.O. 1970,
c. 284

Where
Ontario
Hydro to
continue to
supply power

(3) Subject to subsections 17 and 18, Ontario Hydro shall continue to distribute and supply power in those areas of the towns of Grimsby, Lincoln, Niagara-on-the-Lake and Pelham and the Township of West Lincoln that Ontario Hydro served immediately before the coming into force of this Act and subsections 10 and 12 and section 7 do not apply in respect of the assets and employees of Ontario Hydro in those municipalities.

Fort Erie

(4) The Canadian Niagara Power Company Limited has the sole right to distribute and supply power within the Town of Fort Erie on the same terms and conditions and for the same period of time as under the franchise granted by by-law number 783 passed by the council of the Town of Fort Erie on the 18th day of March, 1935.

Application of
R.S.O. 1970,
c. 354

(5) Except where inconsistent with the provisions of this Act, the provisions of *The Power Corporation Act* applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the distribution and supply of power to the municipal corporation apply to the commissions established by section 2.

Direct
customers

(6) With the consent of a commission established by section 2, Ontario Hydro may distribute and supply power directly to customers within the area municipality in respect of which the commission is established.

Transfer of
assets and
liabilities

(7) On the 1st day of January, 1980, all assets under the control and management of and all liabilities of municipal commissions are, without compensation, assets under the control and management of and liabilities of the commission established by section 2 in respect of the municipality.

Compensation by
Niagara Falls
Hydro-
Electric
Commission

(8) Notwithstanding subsection 7, on or before the 1st day of January, 1980, the Niagara Falls Hydro-Electric Commission established by section 2 shall purchase from the Canadian Niagara Power Company Limited the assets pertaining to

the distribution and supply of power other than at 25 hertz in that portion of the City of Niagara Falls supplied with power by the Canadian Niagara Power Company Limited immediately before the coming into force of this Act, and the purchase price shall be determined by agreement between them.

(9) Such management and control of works for the distribution and supply of power within the area municipalities mentioned in subsection 1 of section 2 as are exercised by municipal commissions and Ontario Hydro immediately before this Act comes into force remain entrusted to them to and including the 31st day of December, 1979, but any of the assets, powers and responsibilities of the commissions and Ontario Hydro pertaining to the distribution and supply of power in any of the area municipalities may by agreement be transferred before that date to a commission established by section 2 in respect of the area municipality. Transitional

(10) Except as may be agreed by a commission established by section 2 and Ontario Hydro for the purposes of subsection 6 or otherwise, on or before the 1st day of January, 1980, each commission established by section 2 shall purchase, on behalf of the area municipality served by the commission, the assets and liabilities of Ontario Hydro pertaining to the distribution and supply of power at retail within the area municipality, including equipment leased by Ontario Hydro to retail customers within the area municipality for the use of such power and the purchase price shall be determined in accordance with the regulations, and shall be equal to the original cost of the assets less the sum of, Purchase of retail distribution facilities

(a) the accumulated net retail equity of the customers supplied with power through the assets; and

(b) the accumulated depreciation associated with the assets.

(11) On or before the 1st day of January, 1980, the Canadian Niagara Power Company Limited shall purchase the assets and liabilities of Ontario Hydro pertaining to the retail distribution of power within the Town of Fort Erie, including equipment leased by Ontario Hydro to retail customers within the Town of Fort Erie, and the purchase price shall be determined by agreement between them. Idem

(12) If the purchase price under subsection 8, 10 or 11 is not determined before the 1st day of January, 1981, either Where price to be determined by arbitration

of the parties at any time thereafter may request that the purchase price be determined either by a single arbitrator agreed on by the parties or by a board of arbitration.

Where parties
unable to
agree on
single
arbitrator

(13) Where a request is made under subsection 12 for a determination by a single arbitrator and the parties are unable to agree on an arbitrator within thirty days after the making of the request, either of the parties may request that the purchase price be determined by a board of arbitration.

Arbitration
board

(14) Where a request is made under subsection 12 or 13 that the purchase price be determined by a board of arbitration,

- (a) within fourteen days after the request, each party to the arbitration shall appoint a person as a member of the board of arbitration and shall give notice to the other party of the name and address of the person;
- (b) the two members of the board of arbitration, within ten days after the giving of the notice of appointment of the second of them, shall appoint a third person to be chairman of the board of arbitration and the chairman shall give notice of his appointment to the parties; and
- (c) if a party fails to appoint a member to a board of arbitration in accordance with clause *a* or if the members do not appoint a chairman in accordance with clause *b*, or in the event of the absence or inability to act or of a vacancy in the office of a member or the chairman of a board of arbitration, either party may apply on notice to the other party to the Divisional Court and the court may appoint the member or chairman.

Application of
R.S.O. 1970,
c. 25

(15) Except as otherwise provided in this subsection, *The Arbitrations Act* applies to subsections 12, 13 and 14.

Interpre-
tation

(16) In subsections 12, 13 and 14, "parties" means,

- (a) in respect of subsection 8, Canadian Niagara Power Company Limited and Niagara Falls Hydro-Electric Commission;
- (b) in respect of subsection 10, Ontario Hydro and, in each case, the commission established by section 2; and

- (c) in respect of subsection 11, Canadian Niagara Power Company Limited and Ontario Hydro.

(17) The council of each of the towns of Grimsby, Lincoln, Niagara-on-the-Lake and Pelham and the Township of West Lincoln, with the consent of Ontario Hydro and without the assent of the municipal electors, by by-law,

Supply of power in all areas of municipalities of Grimsby, Lincoln, Niagara-on-the-Lake, Pelham, West Lincoln

- (a) may direct the commission established by section 2 in respect of the municipality to commence on a day specified by the by-law the distribution and supply of power in all areas of the municipality and on the specified day subsections 10 and 12 to 16 and section 7 shall apply with necessary modifications to the assets and employees of Ontario Hydro in the municipality; or
- (b) may dissolve the commission established by section 2 in respect of the municipality on a day specified by the by-law and on the specified day,
 - (i) all assets under the control and management of and all liabilities of the commission, and all debentures issued in respect of the distribution and supply of power in the municipality are, without compensation, assets and liabilities of Ontario Hydro, and
 - (ii) Ontario Hydro shall commence to distribute and supply power in all areas of the municipality.

(18) Until such time as the power conferred by subsection 17 has been exercised,

Review of distribution and supply of power

- (a) the council of each of the towns of Grimsby, Lincoln, Niagara-on-the-Lake and Pelham and the Township of West Lincoln shall review the distribution and supply of power within their respective municipalities at least once in every three years and shall determine by resolution whether or not it is financially feasible to exercise the power conferred by subsection 17; and
- (b) where the council of the town of Grimsby, Lincoln, Niagara-on-the-Lake or Pelham or the Township of West Lincoln determines as provided in clause a that it is financially feasible for the commission established under section 2 in respect of the municipality to distribute and supply power in the entire municipi-

pality, the council, subject to the approval of Ontario Hydro, shall exercise the power conferred by subsection 17.

Vesting
of real
property

5.—(1) All real property transferred by section 4 to the control and management of a commission established by section 2 or otherwise acquired by or for the commission shall be held by the commission in trust for the area municipality served by the commission.

Disposition
of real
property

(2) Where a commission established by section 2 is of the opinion, and so declares by resolution, that any real property under its control and management is not required for its purposes, unless otherwise agreed upon by the commission and the area municipality served by the commission, the real property may be disposed of as follows:

1. In the event that the area municipality served by the commission wishes in good faith to use the real property for a municipal purpose, it shall compensate the commission for the real property at its actual cost, less accrued depreciation as shown on the books of the commission or the assessed-value of the real property, whichever is the greater, and when the area municipality in good faith no longer wishes to use the real property for a municipal purpose, the area municipality may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.
2. In the event that the municipality served by the commission does not wish to use the real property in accordance with paragraph 1, the commission shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the municipality and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor under this subsection shall be received by the commission and shall be applied in accordance with *The Public Utilities Act*.

R.S.O. 1970,
c. 390

Borrowing
R.S.O. 1970,
c. 406

6. Except as otherwise provided in this Act, sections 131 to 152 of *The Regional Municipality of Niagara Act* apply, with necessary modifications, to any borrowing for the purposes of a commission established by section 2.

7.—(1) In this section, “transfer date”, when used in respect of an employee of a municipal commission or Ontario Hydro, means the date on which a commission established by section 2 assumes liability for the payment of the wages or salary of the employee.

Interpre-
tation

(2) On or before the 31st day of December, 1979, each municipal commission that supplied power in an area municipality mentioned in subsection 1 of section 2 immediately before the coming into force of this Act and Ontario Hydro shall designate those of its full-time employees who were employed in the distribution and supply of power in an area municipality mentioned in subsection 1 of section 2 on the 1st day of January, 1979, and who continued such employment until the 31st day of December, 1979 or until their transfer dates, as the case may be, and each commission established by section 2 shall offer employment to the employees designated in respect of the area municipality served by the commission.

Transfer of
employees

(3) A person who accepts employment under this section is entitled to receive, for a period of one year commencing on the transfer date, a wage or salary not less than the wage or salary he was receiving on the day nine months before the transfer date.

Wages or
salaries

(4) Each commission established by section 2 shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Act comes into force, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on his transfer date, and *The Ontario Municipal Employees Retirement System Act* applies to such person as a member of the System.

Participation
in O.M.E.R.S.

(5) When a person who accepts employment under this section with a commission established by section 2 is entitled immediately before his transfer date to the benefit of a supplementary agreement between the Ontario Municipal Employees Retirement Board and a municipal commission that, immediately before the coming into force of this Act, supplied power in an area municipality mentioned in subsection 1 of section 2, the commission established by section 2 shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the commission had been a party to the agreement in the place of the municipal commission.

Supplemen-
tary
agreements

(6) Where a person who accepts employment under this section is a contributor to The Pension and Insurance Fund

Transfer
of pension
credits from
Ontario
Hydro Plan

of Ontario Hydro immediately before his transfer date, the present value of the pension earned by the person in The Pension and Insurance Fund of Ontario Hydro at the transfer date or the contributions of the person in the Fund with interest accumulated and credited to the person in the Fund, whichever is the greater, shall be transferred to the Ontario Municipal Employees Retirement Fund and the person shall be given credit in the Ontario Municipal Employees Retirement System for a period of service equal to the period of service for which he was given credit in The Ontario Hydro Pension and Insurance Plan.

Pension
guarantee

(7) Notwithstanding subsection 4, a person who accepts employment under this section with a commission established by section 2 and who,

- (a) was employed by Ontario Hydro immediately before his transfer date; and
- (b) continues in the employment of the commission until he or his beneficiary becomes entitled to a pension benefit,

is entitled to at least the pension benefit he would have been entitled to under The Ontario Hydro Pension and Insurance Plan if his years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there had been no change in the Plan after the 31st day of December, 1979, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection 4 shall be apportioned and paid as provided by the regulations.

Group life
insurance

(8) A person who accepts employment under this section is entitled as a term of his employment to continue as a member of the group life insurance plan in which he was a member with his former employer until the effective date of a common group life insurance plan covering all eligible employees of his new employer.

Idem

(9) On or before the 31st day of December, 1981, each commission established by section 2 shall provide a common group life insurance plan covering all of the eligible employees of the commission, and the plan shall provide to any person accepting employment under this section, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the person was entitled immediately before his transfer date.

(10) A person who accepts employment under this section shall continue to enjoy the rights and benefits of sick leave entitlements or sick leave insurance provided by his former employer immediately before the transfer date until the new employer establishes a sick leave entitlement plan or sick leave insurance plan, and thereupon the person shall receive allowance or credit for any accrued sick leave rights or benefits. Sick leave

(11) Each commission established by section 2 shall continue the provision of life insurance to pensioners formerly employed by a municipal commission in the distribution and supply of power in the area municipality served by the commission established by section 2. Life insurance provided to pensioners

(12) Nothing in this section prevents an employer from terminating the employment of an employee for cause. Termination for cause

(13) Where, in the opinion of the Minister, a person who is designated or who accepts employment under this section experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship. Special circumstances

8. For the purposes of section 174 of *The Regional Municipality of Niagara Act*, the 1st day of January, 1980 is the date determined by the Minister in respect of the Regional Area within the meaning of *The Regional Municipality of Niagara Act*, and on that date the municipal commissions supplying only electrical power and energy in that area immediately before the coming into force of this Act are dissolved and the by-laws establishing them passed under sections 38 and 40 of *The Public Utilities Act* shall be deemed to be repealed and the assent of the municipal electors is not required. Dissolution of existing commissions R.S.O. 1970, c. 406

9. The Lieutenant Governor in Council may make regulations, Regulations

(a) for the purpose of subsection 10 of section 4 in respect of,

(i) the method of determining the original cost of the assets or of any asset or of any part of any asset,

- (ii) the allocation of the original cost of the assets or of any asset or of any part of any asset,
 - (iii) the method of determining the amount of any component of the accumulated net retail equity,
 - (iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,
 - (v) the method of calculating accumulated depreciation of any component of accumulated depreciation,
 - (vi) the allocation of accumulated depreciation or any component of accumulated depreciation,
 - (vii) the method of payment of the price of the assets;
- (b) for the purposes of subsection 7 of section 7, in respect of the apportionment of the excess cost of any benefit referred to in the subsection and the payment of the excess cost or any part thereof.

Commence-
ment

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. The short title of this Act is *The Niagara Municipal Hydro-Electric Service Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 14 1979
Rodriguez

CLERK
LEGISLATIVE ASSEMBLY

An Act to provide for
Municipal Hydro-Electric Service in
The Regional Municipality of Niagara

1st Reading

March 29th, 1979

2nd Reading

May 1st, 1979

3rd Reading

May 29th, 1979

THE HON. J. A. C. AULD
Minister of Energy

1. aul. in by. by S. Hon

BILL 30

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The York Municipal Hydro-Electric Service Act, 1978**

THE HON. J. A. C. AULD
Minister of Energy

BILL 30

1979

**An Act to amend
The York Municipal Hydro-Electric
Service Act, 1978**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 16 of section 2 of *The York Municipal Hydro-Electric Service Act, 1978*, being chapter 31, is repealed and the following substituted therefor:

(16) Members of the council of the area municipality served by a commission established by subsection 1 may be members of the commission, but the members of the council shall not form a majority of the commission.

s. 2 (16),
re-enacted

Eligibility
of members
of council

2. This Act shall be deemed to have come into force on the 20th day of June, 1978.
3. The short title of this Act is *The York Municipal Hydro-Electric Service Amendment Act, 1979*.

Commence-
ment

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR MAY 3 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The York Municipal Hydro-Electric
Service Act, 1978

1st Reading

March 29th, 1979

2nd Reading

May 1st, 1979

3rd Reading

May 1st, 1979

THE HON. J. A. C. AULD
Minister of Energy

Pauline L. L. S. H.

BILL 31

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Ontario Municipal Employees Retirement System Act**

THE HON. F. S. MILLER
Treasurer of Ontario and Minister of Economics

BILL 31

STATUTES OF ONTARIO 1979

**An Act to amend
The Ontario Municipal Employees
Retirement System Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 3a and 3b of section 7 of *The Ontario Municipal Employees Retirement System Act*, being chapter 324 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1974, chapter 102, section 3, are repealed and the following substituted therefor:

(3a) Notwithstanding subsection 3, commencing in the year 1975, all or a portion of the money accumulated to the credit of the Fund and not required for current expenditures, as shall be agreed upon between the Treasurer of Ontario and the Board and approved by the Lieutenant Governor in Council, shall be retained by the Board.

Money
retained
by the
Board

(3b) The money retained by the Board under subsection 3a shall form part of the Fund and the Board shall invest such part of the Fund as pension fund moneys subject to the limitations of *The Pension Benefits Act*, and, for the purposes of that Act, such part of the Fund shall be treated as a separate pension fund.

Money
retained
to be
invested

R.S.O. 1970,
c. 342

2. Section 11 of the said Act is amended by adding thereto the following subsection:

s. 11,
amended

(2) Subsection 1 does not apply to the garnishment, attachment or seizure of moneys payable out of the Fund in satisfaction of an order for support under *The Family Law Reform Act, 1978*.

Application of
subs. 1
1978, c. 2

- 3.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

Commence-
ment

Idem

(2) Section 2 shall be deemed to have come into force on the 31st day of March, 1978.

Short title

4. The short title of this Act is *The Ontario Municipal Employees Retirement System Amendment Act, 1979*.

ASSSENTED TO BY LIEUTENANT-GOVERNOR

Robt. L. Laidlaw

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Ontario Municipal Employees
Retirement System Act

1st Reading

March 29th, 1979

2nd Reading

May 15th, 1979

3rd Reading

May 15th, 1979

THE HON. F. S. MILLER
Treasurer of Ontario and
Minister of Economics

1 aud. in leg. by S. Miller

BILL 32

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Audit Act, 1977

THE HON. F. S. MILLER
Treasurer of Ontario and Minister of Economics

BILL 32

1979

An Act to amend The Audit Act, 1977

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Audit Act, 1977*, being chapter 61, <sup>s. 1 (a),
amended</sup> is amended by striking out "but does not include one that is not affected by *The Crown Agency Act*" in the twenty-first and twenty-second lines and inserting in lieu thereof "but does not include one that *The Crown Agency Act* states is not affected by that Act or that any other Act states is not a Crown agency within the meaning or for the purposes of *The Crown Agency Act*".
2. This Act shall be deemed to have come into force on the 1st day of April, 1979. <sup>Commence-
ment</sup>
3. The short title of this Act is *The Audit Amendment Act, 1979*. ^{Short title}

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 14 1979
Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
the Audit Act, 1977

1st Reading

March 29th, 1979

2nd Reading

May 24th, 1979

3rd Reading

May 24th, 1979

THE HON. F. S. MILLER
Treasurer of Ontario and
Minister of Economics

Pauline G. G. G. G.
BILL 33

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Agricultural Development Repeal Act, 1973**

THE HON. F. S. MILLER
Treasurer of Ontario and Minister of Economics

BILL 33

1979

**An Act to amend
The Agricultural Development Repeal Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 1 of *The Agricultural Development Repeal Act, 1973*, being chapter 32, is repealed and the following substituted therefor:

(2) Every mortgage to secure a loan made by the Commissioner of Agricultural Loans under the said Act, whether or not the mortgage has been registered in a land registry office, is hereby discharged.

s. 1 (2),
re-enacted

Mortgages
discharged
2. Section 2 of the said Act is repealed.

s. 2,
repealed
3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
4. The short title of this Act is *The Agricultural Development Repeal Amendment Act, 1979*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 14 1979

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Agricultural Development
Repeal Act, 1973

1st Reading

March 29th, 1979

2nd Reading

May 24th, 1979

3rd Reading

May 24th, 1979

THE HON. F. S. MILLER
Treasurer of Ontario and
Minister of Economics

Paul. in Leg. Ex. 2. 1979

BILL 34

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Business Corporations Act

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Business Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Business Corporations Act*, s. 1 (1),
being chapter 53 of the Revised Statutes of Ontario, 1970,
as amended by the Statutes of Ontario, 1971, chapter 26, sec-
tion 1, 1972, chapter 1, section 30, 1972, chapter 138, section 1,
1974, chapter 26, section 1 and 1978, chapter 49, section 1, is
further amended by adding thereto the following paragraphs:

9a. "corporation number" means the number assigned
by the Minister to a corporation in accordance with
subsection 1 of section 6, and "number" in relation
to a corporation means the corporation number of
that corporation;

18b. "number name" means the name of a corporation
which consists only of its corporation number
followed by the word "Ontario" and one of the words
or abbreviations provided for in subsection 1 of
section 8.

2. Subsection 5 of section 4 of the said Act, as amended by the
Statutes of Ontario, 1971, chapter 98, section 4, Schedule,
paragraph 4, is repealed. s. 4 (5),
repealed

3. Section 5 of the said Act is repealed and the following sub-
stituted therefor: s. 5,
re-enacted

5.—(1) Upon receiving duplicate original articles of in-
corporation, all other required documents executed in accord-
ance with this Act and the prescribed fee, the Minister shall,
Certificate
of
incorporation

- (a) endorse on each of the duplicate original articles a certificate setting out the day, month and year of endorsement and the corporation number;
- (b) file one of the duplicate originals in his office; and
- (c) return to the incorporators or their agents the other duplicate original.

Idem

(2) The certificate endorsed in accordance with subsection 1 constitutes the certificate of incorporation and the corporation comes into existence upon the date set out therein.

Idem

(3) A certificate of incorporation is conclusive proof that the corporation has been incorporated under this Act on the date set out in the certificate except in a proceeding under section 250 to cancel the certificate for cause.

s. 6,
re-enacted

4. Section 6 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 138, section 2, is repealed and the following substituted therefor:

Assignment
of number

6.—(1) Every corporation shall be assigned a number by the Minister and such number shall be specified as the corporation number in the certificate of incorporation and in any other certificate issued by the Minister to the corporation.

Idem

(2) Where no name is specified in the articles which are delivered to the Minister, the corporation shall be assigned a number name.

Idem

(3) Where, through inadvertence or otherwise, the Minister has assigned to a corporation a corporation number or number name that is the same as the number or name of any other body corporate previously assigned by the Minister, the Minister may, without holding a hearing, issue a certificate of amendment to the articles changing the number or name assigned to the corporation and, upon the issuance of the certificate of amendment, the articles are amended accordingly.

Idem

(4) Where for any reason the Minister has endorsed a certificate on articles that sets forth the corporation number incorrectly, the Minister may substitute a corrected certificate that shall bear the date of the certificate it replaces.

Idem

(5) The file number which has been assigned to a corporation by the Minister prior to this section coming into force shall be deemed to be that corporation's number.

5. Section 7 of the said Act is repealed and the following substituted therefor: s. 7.
re-enacted

7.—(1) Subject to subsection 2, a corporation shall not be incorporated with a name, Name
prohibition

(a) that contains a word or expression prohibited by the regulations;

(b) that, except where a number name is proposed, is the same or similar to,

(i) the name of a known body corporate, trust, association, partnership, sole proprietorship, or individual, whether in existence or not, or

(ii) the known name under which any body corporate, trust, association, partnership, sole proprietorship, or individual, carries on business or identifies itself,

if the use of that name would be likely to deceive;

(c) that does not meet the requirements prescribed by the regulations.

(2) A corporation may be incorporated with a name described in clause *b* of subsection 1 upon complying with conditions prescribed by the regulations. Exception
to subs. 1

(3) There shall be filed with the Minister such documents relating to the name of the corporation as may be prescribed by the regulations. Documents
file

6. Section 8 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 138, section 3, is repealed and the following substituted therefor: s. 8.
re-enacted

8.—(1) The word "Limited", "Incorporated" or "Corporation" or the corresponding abbreviation "Ltd.", "Inc." or "Corp." shall be the last word of the name of every corporation, but a corporation may use and may be legally designated by either the full or the abbreviated form. Use of
"Limited"
"Incor-
porated"
"Corporation"

(2) Subject to the provisions of this Act and the regulations, a corporation may have in its articles of incorporation a special provision permitting it to set out its name in any language and the corporation may be legally designated by that name. Corporate
name

Letters and
numerals
permitted

(3) Only letters from the alphabet of the English language or Arabic numerals or a combination thereof, together with such punctuation marks and other marks as are permitted by regulation, may form part of the name of a corporation.

Exception

(4) Subsection 3 does not apply to a name under subsection 2.

s. 10,
re-enacted

7. Section 10 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 138, section 4, is repealed and the following substituted therefor:

Unauthorized
use of
"Limited",
etc.

10.—(1) No person, partnership or association, while not incorporated, shall trade or carry on a business or undertaking under a name in which "Limited", "Incorporated" or "Corporation" or any abbreviation thereof, or any version thereof in another language, is used.

Idem

(2) Where a corporation carries on business or identifies itself to the public in a name or style other than as provided in the articles, that name or style shall not include the word "Limited", "Incorporated" or "Corporation", any abbreviation thereof or any version thereof in another language.

s. 11,
re-enacted

8. Section 11 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 138, section 5, is repealed and the following substituted therefor:

Change of
name if
objectionable

11.—(1) If a corporation, through inadvertence or otherwise, has acquired a name contrary to section 7, the Minister may, after he has given the corporation an opportunity to be heard, issue a certificate of amendment to the articles changing the name of the corporation to a name specified in the certificate and, upon the issuance of the certificate of amendment, the articles are amended accordingly.

Failure to
perform
undertaking

(2) Where an undertaking to dissolve or change its name is given by a corporation to which this Act applies and the undertaking is not carried out within the time specified, the Minister may, after giving the corporation an opportunity to be heard, issue a certificate of amendment to the articles changing the name of the corporation to a name specified in the certificate and, upon the issuance of the certificate of amendment, the articles are amended accordingly.

Idem

(3) Where an undertaking to dissolve or change its name is given by a body corporate to which this Act does not apply, or by a trust, association, partnership, sole proprietorship or individual, and the undertaking is not carried out

within the time specified, the Minister may, after giving the corporation that acquired the name by virtue of such undertaking an opportunity to be heard, issue a certificate of amendment to the articles changing the name of the corporation to a name specified in the certificate and, upon the issuance of the certificate, the articles are amended accordingly.

(4) Where the name of a corporation has been changed under proceedings taken under this section, the corporation may, subject to section 7, thereafter deliver to the Minister articles of amendment under the provisions of this Act changing its name to the name specified in the articles. Change of name

9. Section 12 of the said Act is repealed.

s. 12,
repealed

10. Subsection 2, and subsection 3 as enacted by the Statutes of Ontario, 1971, chapter 26, section 4, of section 25 of the said Act are repealed.

s. 25 (2, 3),
repealed

11. Section 31 of the said Act is repealed and the following substituted therefor:

s. 31,
re-enacted

31.—(1) For the purpose of bringing a resolution passed by the directors under subsection 2 of section 30 into effect, the corporation shall deliver to the Minister, within six months after the resolution has been passed, a statement in duplicate executed under the seal of the corporation and signed by two officers, or by one director and one officer, of the corporation setting out, Filing of statement

- (a) the name of the corporation;
- (b) a certified copy of the resolution;
- (c) that the resolution was duly passed by the directors;
- (d) the date of the passing of the resolution; and
- (e) that the conditions, if any, contained in the articles or in any prior resolution precedent to the creation and issue of the shares of the series have been complied with.

(2) Upon receiving duplicate original statements executed in accordance with this Act and the prescribed fee, the Minister shall, Issuance of certificate

- (a) endorse on each of the duplicate original statements a certificate setting out the day, month and year of endorsement and the corporation number;
- (b) file one of the duplicate originals in his office; and
- (c) return to the corporation or its agents the other duplicate original.

Effect of
certificate

(3) Upon the date set out in the certificate endorsed in accordance with subsection 2, the resolution referred to in subsection 2 of section 30 becomes effective and constitutes an amendment to the articles.

s. 190,
re-enacted

12. Section 190 of the said Act is repealed and the following substituted therefor:

Articles of
amendment

190.—(1) For the purpose of bringing an amendment to the articles into effect, the corporation shall deliver to the Minister, within six months after the resolution has become effective, articles of amendment in duplicate, executed under the seal of the corporation and signed by two officers, or by one director and one officer, of the corporation setting out,

- (a) the name of the corporation;
- (b) a certified copy of the resolution;
- (c) that the amendment has been duly authorized as required by subsections 2, 3 and 4 of section 189; and
- (d) the date of the confirmation of the resolution by the shareholders.

Idem

(2) The articles of amendment shall not change the name of the corporation or decrease the authorized or issued capital of the corporation if,

- (a) it is insolvent; or
- (b) the amendment would render the corporation insolvent.

Evidence
Minister may
require

(3) The Minister may, if he thinks fit, require evidence that establishes to his satisfaction,

- (a) that the corporation is not insolvent;

(b) that a decrease in authorized or issued capital will not render the corporation insolvent; and

(c) that no creditors object to the amendment.

- 13.** Section 191 of the said Act is repealed and the following substituted therefor: s. 191,
re-enacted

191.—(1) Upon receiving duplicate original articles of amendment, all other required documents executed in accordance with this Act and the prescribed fee, the Minister shall, Certificate
of
amendment

(a) endorse on each of the duplicate original articles a certificate setting out the day, month and year of endorsement and the corporation number;

(b) file one duplicate original in his office; and

(c) return to the corporation or its agent the other duplicate original.

(2) The certificate endorsed in accordance with subsection 1 constitutes the certificate of amendment to the articles of incorporation and, upon the date set out in the certificate, the articles of incorporation are amended accordingly. Effect of
certificate

- 14.** Section 192 of the said Act is repealed and the following substituted therefor: s. 192,
re-enacted

192.—(1) A corporation may at any time restate its articles of incorporation as theretofore amended. Restatement
of articles

(2) For the purpose of bringing the restated articles into effect, the corporation shall deliver to the Minister the restated articles in duplicate, executed under the seal of the corporation and signed by two officers, or by one director and one officer, of the corporation setting out, Filing of
restatement

(a) all the provisions that are then set out in the original articles of incorporation as theretofore amended; and

(b) a statement that the restated articles correctly set out without change the corresponding provisions of the original articles as theretofore amended.

(3) Upon receiving duplicate original restated articles of incorporation restated in accordance with this Act and the prescribed fee, the Minister shall, Restatement
of
certificate

- (a) endorse on each of the duplicate original restated articles a certificate setting out the day, month and year of endorsement and the corporation number;
- (b) file one of the duplicate originals in his office; and
- (c) return to the corporation or its agent the other duplicate original.

Effect of
certificate

(4) The certificate endorsed in accordance with subsection 3 constitutes the restated certificate of incorporation of the corporation and the restated articles of incorporation become effective upon the date set out therein and supersede the original articles of incorporation and all amendments thereto.

s. 195,
re-enacted

15. Section 195 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 26, section 33, is repealed and the following substituted therefor:

Scheme

195.—(1) For the purpose of bringing a scheme into effect, the corporation shall, within six months of the approval of the scheme by the court, deliver to the Minister a statement in duplicate executed under the seal of the corporation and signed by two officers, or by one director and one officer, of the corporation setting out,

- (a) the name of the corporation;
- (b) a certified copy of the scheme;
- (c) a certified copy of the order of the court; and
- (d) that the terms and conditions, if any, to which the scheme is made subject by the order have been complied with.

Certificate

(2) Upon receiving the duplicate original statements, all other required documents executed in accordance with this Act, and the prescribed fee, the Minister shall,

- (a) endorse on each of the duplicate original statements a certificate setting out the day, month and year of the endorsement and the corporation number;
- (b) file one of the duplicate originals in his office; and
- (c) return to the corporation or its agent the other duplicate original.

(3) Upon the date set out in the certificate endorsed in accordance with subsection 2, the scheme becomes effective and constitutes an amendment to the articles. Effect of certificate

- 16.** Section 197 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 26, section 35, is repealed and the following substituted therefor: s. 197, re-enacted

197.—(1) For the purpose of bringing an amalgamation into effect, the amalgamating corporations shall, within six months after the amalgamation agreement has become effective, deliver to the Minister articles of amalgamation in duplicate executed under the seal of each of the amalgamating corporations and signed by two officers, or by one director and one officer, of each of the amalgamating corporations setting out, Filing of articles of amalgamation

- (a) the names of each of the amalgamating corporations;
- (b) a certified copy of the amalgamation agreement;
- (c) that the agreement has been duly approved as required by section 196; and
- (d) the dates on which the amalgamation agreement was approved by the shareholders of each of the amalgamating corporations.

(2) Notwithstanding subsection 1 of section 196, no corporation that is insolvent shall amalgamate and the Minister, before proceeding as provided in subsection 3, may require evidence that establishes to his satisfaction that a corporation delivering articles under subsection 1 is not insolvent. Corporation to be solvent

(3) Upon receiving duplicate original articles of amalgamation, all other required documents executed in accordance with this Act and the prescribed fee, the Minister shall, Certificate of amalgamation

- (a) endorse on each of the duplicate original articles of amalgamation a certificate setting out the day, month and year of endorsement and the corporation number;
- (b) file one of the duplicate originals in his office; and
- (c) return to the amalgamated corporation or its agent the other duplicate original.

Idem

(4) The certificate endorsed in accordance with subsection 3 constitutes the certificate of amalgamation of the amalgamating corporations and upon the date set out therein,

- (a) the amalgamation becomes effective and the amalgamating corporations are amalgamated and continue as one corporation under the terms and conditions set out in the amalgamation agreement;
- (b) the amalgamated corporation possesses all the property, rights, privileges and franchises and is subject to all liabilities, contracts, disabilities and debts of each of the amalgamating corporations;
- (c) the issued capital of the amalgamated corporation is, subject to the decrease provided for in subsection 3 of section 196, equal to the aggregate of the issued capital of each of the amalgamating corporations immediately before the amalgamation becomes effective; and
- (d) the articles of incorporation of each of the amalgamating corporations are amended to the extent necessary to give effect to the terms and conditions of the amalgamation agreement.

s. 198 (2),
amended

17.—(1) Subsection 2 of section 198 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 138, section 55, is amended by striking out “and verified by affidavit of one of the officers or directors signing the articles of continuation” in the forty-sixth, forty-seventh and forty-eighth lines.

s. 198 (4-6),
re-enacted

(2) Subsections 4, 5 and 6 of the said section 198, are repealed and the following substituted therefor:

Certificate

(4) Upon receiving duplicate original articles of continuation, all other required documents executed in accordance with this Act and the prescribed fee, the Minister may,

- (a) endorse on each of the duplicate original articles of continuation a certificate setting out the day, month and year of endorsement and the corporation number;
- (b) file one of the duplicate originals in his office; and
- (c) return to the corporation or its agent the other duplicate original.

(5) The certificate endorsed in accordance with subsection 4 constitutes the certificate of continuation of the body corporate and the Minister may endorse the certificate upon such terms and subject to such limitations, conditions and provisions as to the Minister appear proper. Conditions

(6) Upon the date set out in a certificate of continuation endorsed in accordance with subsections 3 and 5, this Act applies to the body corporate to the same extent as if it had been incorporated under this Act. Effective date

18.—(1) Subsection 1 of section 248 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 138, section 57, is repealed and the following substituted therefor: s. 248 (1), re-enacted

(1) For the purpose of bringing the dissolution authorized under clause *a* or *b* of section 247 into effect, the corporation shall deliver to the Minister articles of dissolution in duplicate, executed under seal of the corporation and signed by two officers, or by one director and one officer, of the corporation setting out, Articles of dissolution where corporation active

- (a) the name of the corporation;
- (b) that its dissolution has been duly authorized under clause *a* or *b* of section 247;
- (c) that it has no debts, obligations or liabilities or its debts, obligations or liabilities have been duly provided for in accordance with subsection 3 or its creditors or other persons having interests in its debts, obligations or liabilities consent to its dissolution;
- (d) that after satisfying the interests of creditors in all its debts, obligations and liabilities, if any, it has no property to distribute among its shareholders or that it has distributed its remaining property rateably among its shareholders according to their rights and interests in the corporation or in accordance with subsection 4 where applicable;
- (e) that there are no proceedings pending in any court against it; and
- (f) that it has given notice of its intention to dissolve by publication once in *The Ontario Gazette* and once in a newspaper having general circulation in the place where it has its principal place of business in Ontario or, if it does not have a place of business in Ontario, where it has its head office.

s. 248 (2),
amended

- (2) Subsection 2 of the said section 248, as amended by the Statutes of Ontario, 1971, chapter 26, section 39, is further amended by striking out "and verified by affidavit of one of them" in the fourth and fifth lines.

ss. 249, 250,
re-enacted

- 19.** Sections 249 and 250 of the said Act are repealed and the following substituted therefor:

Certificate
of
dissolution

249.—(1) Upon receiving duplicate original articles of dissolution, all other required documents executed in accordance with this Act, the prescribed fee and evidence that all taxes payable by the corporation to the Treasurer of Ontario have been paid, the Minister shall,

- (a) endorse on each of the duplicate original articles of dissolution, a certificate setting forth the day, month and year of endorsement and the corporation number;
- (b) file one of the duplicate originals in his office;
- (c) return to the persons who executed the articles of dissolution, or their agents, the other duplicate original.

Effect of
certificate

(2) The certificate endorsed in accordance with subsection 1 constitutes the certificate of dissolution of the corporation and the dissolution becomes effective and the corporation is dissolved upon the date set out therein.

Cancellation
of
certificate,
etc., by
Minister

250. Where sufficient cause is shown to the Minister, he may, after he has given the corporation an opportunity to be heard, by order, upon such terms as he thinks fit, cancel a certificate of incorporation or any certificate issued or endorsed by him under this Act, and,

- (a) in the case of the cancellation of a certificate of incorporation, the corporation is dissolved on the date fixed in the order; and
- (b) in the case of the cancellation of any other certificate, the matter that became effective upon the issuance or endorsement of the certificate ceases to be in effect from the date fixed in the order.

s. 264,
re-enacted

- 20.** Section 264 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 26, section 44, is repealed and the following substituted therefor:

Publication
of notices in
*The Ontario
Gazette*

264. The Minister shall cause notice to be published forthwith in *The Ontario Gazette*,

- (a) of the endorsement of every certificate under section 5, 31, 191, 195, 197, 198 or 249;
- (b) of the issue of every certificate under section 11;
- (c) of the filing of a certified copy of an order under subsection 6 of section 215 or subsection 2 of section 228;
- (d) of the filing of a notice by a liquidator under subsection 2 of section 215; and
- (e) of the issue of every order under section 161, 250 or 251.

21. Section 266 of the said Act is amended by adding thereto the following subsection: s. 266,
amended

(3) For the purposes of subsections 1 and 2, any signature of the Minister or any signature of an officer of the Ministry designated by the regulations may be printed or otherwise mechanically reproduced. Reproduction
of
signature

22. The said Act is amended by adding thereto the following sections: ss. 266a, 266b,
enacted

266a.—(1) A certificate or authorization referred to in sections 5, 31, 191, 195, 197, 198, 199 and 249 or an order referred to in subsection 4 of section 251 shall be dated as of the day the Minister receives the duplicate originals of any articles, statement or application together with all other required documents executed in accordance with this Act and the prescribed fee, or as of any later date acceptable to the Minister and specified by the person who signed the articles, statement or application. Date of
certificate

(2) Articles filed by the Minister under this Act shall have effect from the date of the certificate endorsed thereon notwithstanding that any action required to be taken by the Minister under this Act with respect to the endorsement of the certificate and filing by him is taken at a later date. Date of
articles

266b.—(1) If a certificate is endorsed by the Minister on articles or any other document that contains an error, the directors or shareholders of the corporation shall, upon the request of the Minister, pass the resolutions and send to him the documents required to comply with this Act, and take such other steps as the Minister may reasonably require, and the Minister may order the surrender of the certificate and endorse a corrected certificate on the articles or any other document after giving the corporation an opportunity to be heard. Corrected
certificate

Date

(2) A certificate corrected under subsection 1 shall bear the date of the certificate it replaces and shall be deemed to be in effect on that date.

Notice

(3) If a corrected certificate issued under subsection 1 materially amends the terms of the original certificate, the Minister shall forthwith give notice of the correction in *The Ontario Gazette*.

s. 267,
re-enacted

23. Section 267 of the said Act is repealed and the following substituted therefor:

Notice of
refusal
to file

267.—(1) Where the Minister refuses to endorse a certificate on articles or any other document required by this Act to be endorsed with a certificate by him before it becomes effective, he shall give written notice to the person who delivered the articles or other document of his refusal, specifying the reasons therefor.

Failure to
act deemed
refusal

(2) Where, within six months after the delivery to the Minister of articles or other documents referred to in subsection 1, the Minister has not endorsed a certificate on such articles or other document, he shall be deemed for the purposes of section 268 to have refused to endorse it.

s. 268 (1),
re-enacted

24.—(1) Subsection 1 of section 268 of the said Act is repealed and the following substituted therefor:

Appeal from
Minister to
Divisional
Court

(1) Any person who feels aggrieved by a decision of the Minister to,

(a) refuse to endorse a certificate on articles or any other document;

(b) issue or refuse to issue a certificate of amendment under subsection 1, 2 or 3 of section 11;

(c) issue an order under section 250;

(d) order the surrender of a certificate under section 266b,

may appeal the decision to the Supreme Court.

s. 268 (5),
amended

(2) Subsection 5 of the said section 268 is amended by striking out "of Appeal" in the first and second lines.

s. 268 (6),
amended

(3) Subsection 6 of the said section 268 is amended by striking out "of Appeal" in the first line.

s. 271,
amended

25. Section 271 of the said Act, as amended by the Statutes of Ontario, 1978, chapter 49, section 17, is further amended by adding thereto the following clauses:

- (g) prohibiting the use of any words or expressions in a corporate name;
- (h) prescribing requirements for the purposes of clause c of subsection 1 of section 7;
- (i) prescribing conditions for the purposes of subsection 2 of section 7;
- (j) respecting the content of a special language provision referred to in subsection 2 of section 8 permitting punctuation marks and other marks referred to in subsection 3 of section 8;
- (k) defining any word or expression used in clause b of subsection 1 of section 7;
- (l) prescribing the matters that the Minister shall take into consideration in determining whether a name is contrary to section 7.

26. This Act comes into force on the 1st day of September, 1979. Commence-
ment

27. The short title of this Act is *The Business Corporations Amendment Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 14 1979

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

1. The first part of the report is devoted to a general
description of the country and its resources.
2. The second part is devoted to a description of the
climate and the weather.
3. The third part is devoted to a description of the
soil and the vegetation.
4. The fourth part is devoted to a description of the
fauna and the flora.
5. The fifth part is devoted to a description of the
mineral resources.
6. The sixth part is devoted to a description of the
human resources.
7. The seventh part is devoted to a description of the
economy and the industry.
8. The eighth part is devoted to a description of the
transportation and the communication.
9. The ninth part is devoted to a description of the
education and the culture.
10. The tenth part is devoted to a description of the
politics and the government.

11. The eleventh part is devoted to a description of the
social conditions and the living standards.
12. The twelfth part is devoted to a description of the
health and the medicine.
13. The thirteenth part is devoted to a description of the
religion and the beliefs.
14. The fourteenth part is devoted to a description of the
arts and the literature.
15. The fifteenth part is devoted to a description of the
science and the technology.

16. The sixteenth part is devoted to a description of the
future prospects and the challenges.
17. The seventeenth part is devoted to a description of the
conclusions and the recommendations.
18. The eighteenth part is devoted to a description of the
appendices and the references.
19. The nineteenth part is devoted to a description of the
index and the glossary.
20. The twentieth part is devoted to a description of the
bibliography and the sources.

An Act to amend
The Business Corporations Act

1st Reading

March 29th, 1979

2nd Reading

May 17th, 1979

3rd Reading

May 24th, 1979

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act for granting to Her Majesty certain additional sums
of money for the Public Service for the fiscal year ending
the 31st day of March, 1979**

THE HON. F. S. MILLER
Treasurer of Ontario and Minister of Economics

BILL 40

1979

An Act for granting to Her Majesty certain additional sums of money for the Public Service for the fiscal year ending the 31st day of March, 1979

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable Preamble
Pauline M. McGibbon, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1979; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) In addition to the sum of \$12,964,992,900 granted by *The Supply Act, 1978*, there may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$96,165,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1978, to the 31st day of March, 1979, as set forth in the Schedule to this Act, and, subject to subsection 2, such sum shall be paid and applied only in accordance with the votes and items of the supplementary estimates upon which the Schedule is based. \$96,165,000 granted for fiscal year 1978-79 1978, c. 106

(2) Where, in the fiscal year ending the 31st day of March, 1979, powers and duties are assigned and transferred from one Minister of the Crown to another Minister of the Crown, the appropriate sums in the votes and items of the estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Management Board of Cabinet to the Exception

ministry administered by the minister to whom the powers and duties are so assigned and transferred.

Accounting
for
expenditure

2. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is *The Supply Act, 1979*.

SCHEDULE

Community and Social Services.....	\$ 14,600,000
Correctional Services.....	2,800,000
Health.....	66,000,000
Natural Resources.....	4,975,000
Northern Affairs.....	3,100,000
Treasury and Economics.....	4,690,000
Total	<u>\$ 96,165,000</u>

ASSENTED TO BY LIEUTENANT-GOVERNOR APRIL 17 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act for granting to Her Majesty certain additional sums of money for the Public Service for the fiscal year ending the 31st day of March, 1979

1st Reading

April 5th, 1979

2nd Reading

April 5th, 1979

3rd Reading

April 5th, 1979

THE HON. F. S. MILLER
Treasurer of Ontario and
Minister of Economics

(Government Bill)

Pauline L. L. S. Hon

BILL 41

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Ministry of Industry and Tourism Act, 1972**

THE HON. L. GROSSMAN
Minister of Industry and Tourism

An Act to amend The Ministry of Industry and Tourism Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ministry of Industry and Tourism Act, 1972*, being chapter 5, is amended by adding thereto the following sections:

ss. 4a, 5a,
enacted

4a.—(1) The Minister may, for the purpose of carrying out this Act or of exercising any of his powers or carrying out any of his duties and functions, employ any person who is resident in a country or territory other than Canada or in a province or territory of Canada other than Ontario in the service of the Crown in the country, territory or province in which he is resident.

Employment
by
Minister

(2) A person employed under subsection 1 shall be considered not to be a Crown employee for the purposes of any Act of the Legislature or any regulation made thereunder.

Employee
under
subs. 1
not Crown
employee

5a.—(1) The Minister, for and in the name of the Crown, may enter into any contract or agreement that he considers advisable for the purpose of carrying out this Act or of exercising any of his powers or carrying out any of his duties and functions or respecting any public works or property under the control of the Ministry and any such contract or agreement enures to the benefit of the Crown and may be enforced as if entered into with the Crown.

Authority
to enter
into and
enforcement
of contracts
and
agreements

(2) Where, under this or any other Act or otherwise, a power or duty, including a power or duty to enter into a contract or agreement for and in the name of the Crown, is granted to or vested in the Minister, he may in writing delegate that power or duty to the Deputy Minister of Industry and Tourism or to any officer or officers of the Ministry, subject to such

Delegation
of authority

limitations, conditions and requirements as the Minister may set out in the delegation.

Effect of
R.S.O. 1970,
c. 153

(3) Notwithstanding *The Executive Council Act*, a contract or agreement made by a person empowered to do so under subsection 2 has the same effect as if made and signed by the Minister.

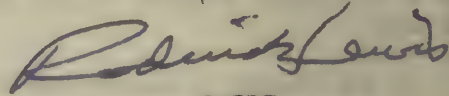
Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Ministry of Industry and Tourism Amendment Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR MAY 3 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Ministry of Industry and
Tourism Act, 1972

1st Reading

April 6th, 1979

2nd Reading

April 24th, 1979

3rd Reading

April 24th, 1979

THE HON. L. GROSSMAN
Minister of Industry and Tourism

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to repeal
The Sheridan Park Corporation Act**

THE HON. L. GROSSMAN
Minister of Industry and Tourism

BILL 42

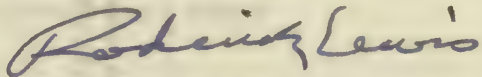
1979

**An Act to repeal
The Sheridan Park Corporation Act**

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. *The Sheridan Park Corporation Act*, being chapter 433 of the Repeal
Revised Statutes of Ontario, 1970, is repealed.
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Sheridan Park Corporation* Short title
Repeal Act, 1979.

ASSENTED TO BY LIEUTENANT-GOVERNOR MAY 3 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act to repeal
The Sheridan Park Corporation Act

1st Reading

April 6th, 1979

2nd Reading

May 1st, 1979

3rd Reading

May 1st, 1979

THE HON. L. GROSSMAN
Minister of Industry and Tourism

Pauline G. G. S. M.

BILL 43

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to repeal The Fires Extinguishment Act

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

Pauline G. G. S. M.

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 43

1979

**An Act to repeal
The Fires Extinguishment Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Fires Extinguishment Act*, being chapter 173 of the Repeal Revised Statutes of Ontario, 1970, is repealed.

2. This Act comes into force on the day it receives Royal Commence-
Assent. ment

3. The short title of this Act is *The Fires Extinguishment* Short title
Repeal Act, 1979.

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 14 1979

E

Rodney Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to repeal
The Fires Extinguishment Act

1st Reading

April 10th, 1979

2nd Reading

May 24th, 1979

3rd Reading

May 24th, 1979

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to repeal The Vacant Land Cultivation Act

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

BILL 44

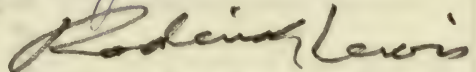
1979

**An Act to repeal
The Vacant Land Cultivation Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Vacant Land Cultivation Act*, being chapter 476 of Repeal the Revised Statutes of Ontario, 1970, is repealed.
2. This Act comes into force on the day it receives Royal Commence-
Assent. ment
3. The short title of this Act is *The Vacant Land Culti- Short title
vation Repeal Act, 1979.*

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 14 1979

CLERK
LEGISLATIVE ASSEMBLY

An Act to repeal
The Vacant Land Cultivation Act

1st Reading

April 10th, 1979

2nd Reading

May 24th, 1979

3rd Reading

May 24th, 1979

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

Pauline G. G. S. H.

BILL 45

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to repeal The Fire Guardians Act

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

BILL 45

1979

**An Act to repeal
The Fire Guardians Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Fire Guardians Act*, being chapter 171 of the Revised Statutes of Ontario, 1970, is repealed. ^{Repeal}

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

3. The short title of this Act is *The Fire Guardians Repeal Act, 1979*. ^{Short title}

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 14, 1979

Robt. Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to repeal
The Fire Guardians Act

1st Reading

April 10th, 1979

2nd Reading

May 24th, 1979

3rd Reading

May 24th, 1979

THE HON. T. I. WELLS
Minister of Intergovernmental Affairs

S. Pauline
BILL 46

Leg. Rep. S. Hon.

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Local Improvement Act

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Local Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2 and 3 of section 53 of *The Local Improvement Act*, being chapter 255 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

(2) The council may,

Issue of
debentures

- (a) when the work undertaken is completed; or
- (b) when a firm contract for the carrying out of the work has been entered into whereby the cost of completing the undertaking is established and construction of the work has commenced,

borrow on the credit of the corporation at large such sums as may be necessary to repay temporary loans made by the corporation pending the completion of the work and to defray the cost of the work undertaken, including the corporation's portion of the cost, and may issue debentures for the sums so borrowed.

(3) Where the council has undertaken the construction of several sewers connected as a system of sewers,

Sewer
systems

- (a) the council may not proceed under clause *a* of subsection 2 until all the sewers in the system are completed; and
- (b) the council may not proceed under clause *b* of subsection 2 until firm contracts for carrying out the work have been entered into whereby the cost of completing all of the sewers in the system is established and construction of the system has commenced,

and there shall be added to the cost of each sewer forming part of the system its proportionate share of the whole of the interest upon the temporary loans made by the corporation pending the construction of all the sewers forming the system as if all the sewers had been constructed at the same time.

s. 74,
enacted

2. The said Act is amended by adding thereto the following section:

Transition
period for
use of
imperial
measurements
1978, c. 87

74. Notwithstanding section 39 of *The Metric Conversion Statute Law Amendment Act, 1978*, where, before the 1st day of September, 1979, a municipality passes a by-law for undertaking a work, or obtains the approval of the Board to an undertaking, the areas, diameters, distances and frontages, and frontage rates may, for all purposes of this Act, be expressed in units of imperial measure and Forms 1 to 4, as they existed on the 31st day of January, 1979, may continue to be used with respect to such undertakings.

Form 2,
amended

- 3.—(1) Form 2 of the said Act is amended by striking out "foot" in the eleventh line, in the thirteenth line and in the second line of the Note and inserting in lieu thereof in each instance "metre".

Form 3,
amended

- (2) Form 3 of the said Act is amended by striking out "foot" in the eleventh line and in the third line of the Note and inserting in lieu thereof in each instance "metre".

Form 4,
amended

- (3) Form 4 of the said Act is amended by striking out "foot" in the sixth line and in the third line of the Note and inserting in lieu thereof in each instance "metre".

Commence-
ment

- 4.—(1) This Act, except sections 2 and 3, comes into force on the day it receives Royal Assent.

Idem

- (2) Sections 2 and 3 shall be deemed to have come into force on the 1st day of February, 1979.

Short title

5. The short title of this Act is *The Local Improvement Amendment Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

JUNE 22, 1979

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Local Improvement Act

1st Reading

April 10th, 1979

2nd Reading

June 15th, 1979

3rd Reading

June 15th, 1979

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to repeal The Succession Duty Act

THE HON. F. S. MILLER
Treasurer of Ontario and Minister of Economics

BILL 47

1979

An Act to repeal The Succession Duty Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Succession Duty Act*, being chapter 449 of the Revised Statutes of Ontario, 1970, *The Succession Duty Amendment Act*, 1971, being chapter 15, *The Succession Duty Amendment Act*, 1971 (No. 2), being chapter 3, *The Succession Duty Amendment Act*, 1972, being chapter 17, *The Succession Duty Amendment Act*, 1973, being chapter 109, *The Succession Duty Amendment Act*, 1974, being chapter 40, *The Succession Duty Amendment Act*, 1975, being chapter 14, *The Succession Duty Amendment Act*, 1976, being chapter 20, *The Succession Duty Amendment Act*, 1977, being chapter 8, the Statutes of Ontario, 1971, chapter 98, section 4, Schedule, paragraph 33 and section 22 of *The Children's Law Reform Act*, 1977, being chapter 41, are repealed and do not apply in respect of a deceased person whose death occurred on or after the 11th day of April, 1979, but the statutes hereby repealed continue to apply in respect of a deceased person whose death occurred on or before the 10th day of April, 1979. Repeals
2. Subsection 9 of section 50 of *The Registry Act*, being chapter 409 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1977, chapter 8, section 7, is repealed and the following substituted therefor: R.S.O. 1970,
c. 409,
s. 50 (9),
re-enacted

(9) Subsections 4 to 7 do not apply where the deceased person died prior to the 1st day of January, 1950 or after the 10th day of April, 1979. Application
of subss. 4-7
3. Subsection 2 of section 140 of *The Land Titles Act*, being chapter 234 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1977, chapter 8, section 8, is repealed and the following substituted therefor: R.S.O. 1970,
c. 234,
s. 140 (2),
re-enacted

(2) Subsections 1 and 1a do not apply where the death of the registered owner occurred prior to the 1st day of January, 1950 or after the 10th day of April, 1979. Saving

Commence-
ment

4. This Act shall be deemed to have come into force on the 11th day of April, 1979.

Short title

5. The short title of this Act is *The Succession Duty Repeal Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR MAY 18, 1979

Rodney Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to repeal
The Succession Duty Act

1st Reading

April 10th, 1979

2nd Reading

May 8th, 1979

3rd Reading

May 8th, 1979

THE HON. F. S. MULLER
Treasurer of Ontario and
Minister of Economics

Pauline G. G. S. H.
BILL 48

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to repeal The Gift Tax Act, 1972

THE HON. F. S. MILLER
Treasurer of Ontario and Minister of Economics

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 48

1979

An Act to repeal The Gift Tax Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Gift Tax Act, 1972*, being chapter 12, *The Gift Tax Amendment Act, 1973*, being chapter 165, *The Gift Tax Amendment Act, 1975*, being chapter 15, *The Gift Tax Amendment Act, 1976*, being chapter 11 and *The Gift Tax Amendment Act, 1977*, being chapter 17, are repealed ^{Acts, repealed} and do not apply in respect of gifts made on or after the 11th day of April, 1979, but the statutes hereby repealed continue to apply in respect of all gifts made on or before the 10th day of April, 1979.
2. This Act shall be deemed to have come into force on the 11th day of April, 1979. <sup>Commence-
ment</sup>
3. The short title of this Act is *The Gift Tax Repeal Act, 1979*. ^{Short title}

ASSENTED TO BY LIEUTENANT-GOVERNOR

MAY 18 1979

Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to repeal
The Gift Tax Act, 1972

1st Reading

April 10th, 1979

2nd Reading

May 10th, 1979

3rd Reading

May 10th, 1979

THE HON. F. S. MILLER
Treasurer of Ontario and
Minister of Economics

Bill 49
BILL 49

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act respecting
Small Business Development Corporations**

THE HON. F. S. MILLER
Treasurer of Ontario and Minister of Economics

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 49

1979

An Act respecting Small Business Development Corporations

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

(a) “associate”, where used to indicate a relationship with any person, means,

(i) any corporation of which such person beneficially owns, directly or indirectly, equity shares carrying more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding,

(ii) any partner of that person or corporation,

(iii) any trust or estate in which such person or corporation has, in the opinion of the Minister, a substantial beneficial interest or as to which such person or corporation serves as trustee or in a similar capacity,

(iv) any spouse, parent, son or daughter, brother or sister of that person, or

(v) any relative of such person or of his spouse, other than a relative referred to in subclause iv, who has the same home as such person;

(b) “corporation” means any body corporate whether or not it is a corporation to which *The Business Corporations Act* applies; R.S.O. 1970,
c. 53

(c) “debt obligation” means a mortgage, bond, debenture, note or other similar obligation of a corporation, whether secured or unsecured;

- (d) "eligible investment" means an investment in a small business that complies with section 9;
- (e) "equity capital" means the amount of consideration paid in money, calculated in the prescribed manner, for which equity shares are issued;
- (f) "equity share" means any share of any class of shares of a corporation carrying voting rights under all circumstances and any share of any class of shares carrying voting rights by reason of the occurrence of any contingency that has occurred and is continuing;
- (g) "Minister" means the Minister of Revenue or such other member of the Executive Council to whom the administration of this Act is assigned;
- (h) "Ministry" means the Ministry of the Minister;
- (i) "person" means, except as otherwise expressly provided, an individual, partnership, unincorporated association, unincorporated syndicate, unincorporated organization, trust, trustee, executor, administrator or other legal representative;
- (j) "prescribed" means prescribed by the regulations;
- (k) "register" means the register under this Act;
- (l) "regulations" means the regulations made under this Act;
- (m) "security" means any share of any class of shares or any debt obligation of a corporation;
- (n) "small business" means a corporation having not more than the prescribed number of employees;
- (o) "small business development corporation" means a corporation registered under this Act.

Interpre-
tation
subsidiary
corporation

(2) A corporation shall be deemed to be a subsidiary of another corporation if,

- (a) it is controlled by,
 - (i) that other, or
 - (ii) that other and one or more corporations each of which is controlled by that other, or

(iii) two or more corporations each of which is controlled by that other; or

(b) it is a subsidiary of a corporation that is that other's subsidiary.

(3) A corporation shall be deemed to be another's ^{holding corporation} holding corporation if that other is its subsidiary.

(4) One corporation shall be deemed to be affiliated with ^{affiliated corporation} another corporation if one of them is the subsidiary of the other or both are subsidiaries of the same corporation or each of them is controlled by the same person.

(5) Unless otherwise prescribed, a corporation shall be ^{Control} deemed to be controlled by another person or corporation or by two or more corporations if,

(a) shares of the first-mentioned corporation carrying more than 50 per cent of the votes for the election of directors are held, other than by way of security only, by or for the benefit of such other person or by or for the benefit of such other corporations; and

(b) the votes carried by such shares are sufficient if exercised to elect a majority of the board of directors of the first-mentioned corporation.

(6) In calculating the total number of equity shares of a ^{Calculation of total number of equity shares} corporation beneficially owned or controlled, for the purposes of this Act, the total number shall be calculated as the total of all the shares actually owned or controlled, but each share that carries the right to more than one vote shall be calculated as the number of shares equalling the total number of votes carried.

(7) In determining the number of shareholders of a ^{Number of shareholders} corporation, for the purposes of this Act, two or more persons holding the same share or shares jointly shall be counted as one shareholder.

(8) For the purpose of determining whether or not a ^{Determination of small business} corporation is a small business, there shall be taken into account the number of employees of any affiliated corporation.

REGISTER

2.—(1) The Minister shall maintain a register of small ^{Register} business development corporations in which he shall list all

corporations registered under this Act and the register shall be open for public inspection during normal office hours.

Delegation
by Minister

(2) The Minister may delegate in writing any of his duties or powers under this Act to any public servant.

REGISTRATION

Registration
R.S.O. 1970,
c. 53

3.—(1) A corporation incorporated under *The Business Corporations Act* may apply to be registered under this Act by delivering to the Minister a proposal in duplicate.

Contents of
proposal

(2) A proposal shall set out:

1. The name of the corporation.
2. The location of the head office of the corporation in Ontario, including the street and number, if any.
3. The authorized capital, the classes of shares, if any, into which it is to be divided, the number of shares in each class, and the aggregate consideration exceeding which all shares of each class may not be issued.
4. The issued capital of each class of shares, including the aggregate consideration therefor.
5. The amounts and kinds of debt obligations, if any, issued by the corporation.
6. The number of directors of the corporation and the names in full and the residence addresses of each, giving the street and number, if any.
7. The names in full of the officers of the corporation and the residence addresses of each, giving the street and number, if any.
8. Any other matter prescribed to be set out in the proposal.

Articles of
incorporation

(3) A proposal shall be accompanied by a certified copy of the corporation's articles of incorporation.

Execution of
proposal

(4) The proposal shall be executed under the seal of the corporation and signed by two officers or one director and one officer of the corporation and certified by affidavit of one of the officers or directors signing the proposal.

4. No corporation shall be registered under this Act ^{Conditions of registration} unless,

- (a) the corporation complies with all provisions of *The Business Corporations Act*; ^{R.S.O. 1970, c. 53}
- (b) the corporation has never previously carried on business;
- (c) its equity shares are without par value and may be issued for an aggregate consideration of not less than \$250,000 and not more than \$5,000,000;
- (d) the corporation has objects only to assist in the development of small businesses by,
 - (i) providing capital through the acquisition and holding of securities, and
 - (ii) providing business and managerial expertise to small businesses;
- (e) the corporation has equity capital of at least \$25,000; and
- (f) the corporation meets such other conditions as may be prescribed.

5.—(1) Subject to subsection 4, a corporation is entitled ^{Registration} to registration by the Minister except where,

- (a) the applicant fails to comply with section 3 or 4, as the case may be; or
- (b) the applicant fails to file the material required by this Act or the regulations.

(2) Subject to section 28, the Minister may refuse to register ^{Refusal to register} a corporation where in the Minister's opinion the applicant is disentitled to registration under subsection 1 of this section.

(3) Subject to section 28, the Minister may revoke a registration ^{Revocation of registration} where the registrant fails to comply with any provision of this Act or the regulations.

(4) Where the Minister is of the opinion that the number ^{Minister may suspend further registrations or incentives} of corporations registered under this Act will be sufficient to take up the prescribed amount of money payable by way of grant under section 21 or foregone by way of tax credit under section 22, the Minister may, subject to the approval of

the Lieutenant Governor in Council, by order, suspend the further registration of corporations, or the payment of grants and the allowance of tax credits under this Act for such period of time as is specified in the order.

Saving

(5) No order under subsection 4 shall operate to prevent the Minister from making a grant where the shares were fully paid for and beneficially owned by the shareholder prior to the making of the order, or operate to prevent the carrying forward of a tax credit under section 23.

Registration

6. If a corporation complies with sections 3 and 4, the Minister shall, when all prescribed fees have been paid,

- (a) endorse on each duplicate of the proposal the word, "Registered" and the day, month and year of the registration thereof;
- (b) file one of the duplicates in his office;
- (c) place the name of the corporation in the register of small business development corporations; and
- (d) issue to the registrants a certificate of registration to which he shall affix the other duplicate.

Minimum capital and investment

7.—(1) Prior to the end of its first year of registration under this Act, a small business development corporation shall have equity capital of at least \$250,000 and at least 40 per cent of the amount of its equity capital shall be in eligible investments.

Idem

(2) Prior to the end of its second year of registration under this Act, a small business development corporation shall have invested at least 70 per cent of its equity capital in eligible investments.

Idem

(3) After the end of its second year of registration under this Act, a small business development corporation shall at all times maintain an average of at least 70 per cent, calculated in the prescribed manner, on the last day of each month of the immediately preceding twelve months, of its equity capital in eligible investments.

Capital limits

(4) After the first year of its registration under this Act, a small business development corporation shall at all times maintain equity capital of at least \$250,000 but not exceeding \$5,000,000.

Trust fund

8.—(1) A small business development corporation shall set aside in a trust fund an amount of money equal to 30 per

cent of all amounts received by it as equity capital and such trust fund shall be held by the corporation, or by a trustee on behalf of the corporation, in trust for the corporation and for the Crown jointly to be dealt with in accordance with this section.

(2) Subject to subsection 3, while any amount is held in trust under subsection 1, the Minister shall permit payment from the fund of an amount equal to three-sevenths of the purchase price paid by the small business development corporation to acquire any eligible investment, provided that the Minister is satisfied that the purchase price of such eligible investment has been paid in full in money or that the amount permitted to be paid out by the Minister will be used by the corporation in payment of the purchase price of the eligible investment. ^{Payment out of fund}

(3) The money held in trust in accordance with subsection 1 shall not be paid out to any person or corporation unless the Minister has consented in writing to such payment. ^{Idem}

(4) Interest earned on the trust fund established in accordance with subsection 1 shall be paid to the small business development corporation. ^{Interest}

(5) Where the registration of a small business development corporation is revoked, the amount then remaining in the trust fund established under subsection 1 is immediately payable to the Crown, and the receipt of the Minister therefor is a full and sufficient discharge to any trustee for such money or to any other person or corporation having control of the trust funds, for the payment over of such money to the Crown, and such payment is a full and complete discharge to the person or corporation making it and for any claim to such payment by any person or corporation that claims to be entitled to the funds. ^{Payment out of fund}

(6) Where any person or corporation fails to make the payment to the Crown required by subsection 5, such person or corporation is liable to the Crown for the amount that should have been paid pursuant to subsection 5. ^{Idem}

ELIGIBLE INVESTMENTS

9.—(1) An investment shall be an eligible investment if, ^{Eligible investments}

- (a) the investment is made in a small business and 75 per cent or more of the wages and salaries of the small business are paid in respect of operations in Ontario;

- (b) the investment is made in a small business primarily engaged in,
 - (i) prescribed manufacturing and processing, or
 - (ii) prescribed tourist activities, or
 - (iii) prescribed mineral exploration and development, or
 - (iv) any other prescribed business activity;
- (c) the investment is the purchase and acquisition from a small business by the small business development corporation of equity shares issued by the small business but, where the equity shares are issued as part of a transaction involving the purchase or redemption, directly or indirectly, of any previously issued equity shares of the small business or an affiliated corporation, the investment is an eligible investment only to the extent that the investment represents net new equity capital calculated in the manner prescribed;
- (d) the investment is not used by the small business for the purpose of,
 - (i) relending,
 - (ii) investment in land except such land as is incidental and ancillary to the principal objects of the small business, or
 - (iii) reinvestment outside Canada;
- (e) the number of equity shares taken by the small business development corporation and any affiliated corporation in the small business in which the small business development corporation and the affiliated corporation invests does not at any time exceed 49 per cent, determined in accordance with subsection 2, of all issued and outstanding equity shares of such small business;
- (f) the investment is made in a small business in which,
 - (i) the total number of equity shares of the corporation beneficially owned, directly or indirectly, by non-residents or over which non-residents exercise control or direction does not exceed 25 per cent of the total number of issued and outstanding equity shares of the corporation, or

- (ii) the total number of equity shares of the corporation beneficially owned, directly or indirectly, by a non-resident or over which he exercises control or direction, together with other shareholders associated with him, if any, does not exceed 10 per cent of the total number of issued and outstanding equity shares of the corporation; and

- (g) the investment is made in a small business that is not of a type prescribed by regulation.

(2) In determining the percentage of issued and outstanding equity shares of a small business for the purposes of clause *e* of subsection 1, there shall be included, Manner of determining percentage of equity shares

- (a) the number of equity shares into which any debt obligation of such small business may be converted;
- (b) any option or right to purchase equity shares of such small business; and
- (c) any equity shares, convertible debt obligations and any options or rights of such small business beneficially owned or held by an associate or an affiliated corporation of the small business development corporation or any shareholder of it, or an associate or affiliated corporation of such shareholder.

10.—(1) A small business development corporation shall Investments maintain its assets in,

- (a) eligible investments;
- (b) liquid reserves;
- (c) equity shares that were eligible investments at the time they were acquired by such small business development corporation;
- (d) debt obligations of any small business that is an eligible investment; or
- (e) such other form as may be prescribed.

(2) Assets of the corporation maintained in liquid reserves Liquid reserves shall be deposited from time to time in any chartered bank to which the *Bank Act* (Canada) applies, or in any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*, or with the Province of Ontario Savings Office or in such other investments as may R.S.C. 1970, c. B-1
R.S.O. 1970, c. 254

be prescribed, upon such terms and conditions and for such period as the corporation considers expedient.

Interpre-
tation

11.—(1) In this section and in clause *f* of subsection 1 of section 9,

- (a) “corporation” includes an association, partnership or other organization;
- (b) “non-resident” means,
 - (i) an individual who is not a resident Canadian,
 - (ii) a corporation incorporated, formed or otherwise organized elsewhere than in Canada,
 - (iii) a corporation that is controlled directly or indirectly by non-residents as defined in subclause i or ii,
 - (iv) a trust in which non-residents as defined in subclause i, ii or iii have more than 50 per cent of the beneficial interest, or
 - (v) a corporation that is controlled directly or indirectly by a trust mentioned in subclause iv;
- (c) “resident” means an individual, corporation or trust that is not a non-resident.

Idem

(2) For the purpose of clause *f* of subsection 1 of section 9, a shareholder shall be deemed to be associated with another shareholder if,

- (a) one shareholder is a corporation of which the other shareholder is an officer or director;
- (b) one shareholder is a partnership of which the other shareholder is a partner;
- (c) one shareholder is a corporation that is controlled directly or indirectly by the other shareholder;
- (d) both shareholders are corporations and one shareholder is controlled directly or indirectly by the same individual or corporation that controls directly or indirectly the other shareholder;
- (e) both shareholders are members of a voting trust where the trust relates to shares of a corporation; or

- (f) both shareholders are associated within the meaning of clauses *a* to *e* with the same shareholder.

12.—(1) A small business development corporation shall not invest or maintain an investment in a small business if, Prohibited investments

(a) any of the shares of such small business are held by,

(i) a major shareholder or an affiliated corporation or an associate thereof of the small business development corporation,

(ii) an officer or director or an associate thereof of a small business development corporation or an officer or director or an associate thereof of a major shareholder of the small business development corporation, or

(iii) a voting trust where the trust relates to the shares of the small business development corporation; or

(b) such small business is a subsidiary, a holding corporation or affiliated corporation of the small business development corporation.

(2) Unless a small business development corporation is widely held, it shall not invest in a small business if the proceeds of that investment are used or are intended to be used, in whole or in part, to finance the purchase or sale of goods or services provided to such small business by or through any shareholder of the small business development corporation or any associate or affiliated corporation of such shareholder. Restriction on investment

(3) For the purposes of this section,

Interpretation

(a) "major shareholder" means a person who holds 10 per cent or more of the voting rights attached to all equity shares of the small business development corporation for the time being outstanding; and

(b) a small business development corporation is widely held if the corporation has ten or more shareholders, each holding not more than 10 per cent of the issued and outstanding equity shares of the corporation and none of the shareholders are associates or affiliated corporations.

Material
change

13.—(1) In this section, a material change occurs if the investment of a small business development corporation ceases to be an eligible investment.

Notification

(2) A small business development corporation shall notify the Minister in the prescribed form of any material change in any of its investments within thirty days of the occurrence thereof.

Eligible
investment

(3) Where there is a material change, the investment by a small business development corporation shall remain an eligible investment, notwithstanding any other provision of this Act, for a period of two years from the date of the material change.

Restriction
on disposition
of equity
shares

14.—(1) No equity shares and no option or right to acquire equity shares of a small business or of a corporation that has ceased to be a small business or an eligible investment shall be transferred or granted by a small business development corporation without first granting to all other holders of the equity shares of such small business or corporation the right to acquire the whole or any part of such equity shares, option or right upon the same terms and conditions.

Proviso

(2) Only a holder of equity shares that is not a small business development corporation may exercise the right to acquire equity shares, options or rights under subsection 1.

Application
of
R.S.O. 1970,
c. 53

15. Notwithstanding the provisions of section 167 of *The Business Corporations Act*, every small business development corporation shall comply with the provisions of sections 168 and 169, subsections 1 to 4 of section 170, and section 171 and clause *c* of subsection 1 and subsection 3 of section 172 of that Act in each year.

Filing of
financial
statements

16. Within six months of the date to which it is made up, a small business development corporation shall file with the Minister its financial statements and the auditor's report thereon.

INFORMATION

Returns

17.—(1) Within ninety days after each anniversary of the date of its registration, every small business development corporation shall prepare, verify and file with the Minister, a return in the prescribed form setting out, as of its anniversary date, the information required by such return.

Notice to
Minister

(2) A small business development corporation shall notify the Minister in the prescribed form, of any action involving,

- (a) the payment of any dividend on the equity shares of the corporation;
- (b) the purchase, surrender, redemption or conversion of any equity share of the corporation;
- (c) the disposition or sale of any eligible investment; or
- (d) the winding up or dissolution of the corporation,

at least twenty-one days prior to carrying out the proposed action.

(3) The Minister may, in his discretion, enlarge the time for filing any notice or return under this section. Enlargement of time by Minister

18. The Minister may at any time by notice require any small business development corporation or any corporation in which the small business development corporation has invested to file within the time specified in the notice a return upon any subject connected with its affairs and, in the opinion of the Minister, relevant to the administration or enforcement of this Act. Information required by the Minister

INVESTMENT INCENTIVES

19. Where a small business development corporation is registered under this Act, the corporation is not liable for the tax imposed by Part III of *The Corporations Tax Act*, 1972, c. 143 Exemption from capital tax 1972.

20.—(1) Subject to subsections 2 and 3 of this section and subsection 4 of section 5, where a person or a corporation complies with the provisions of this Act, the Minister may make a grant under section 21 or allow a tax credit under section 22. Incentives

(2) Unless a small business development corporation has established and maintained a trust as provided in section 8, the Minister shall not make a grant under section 21 or allow a tax credit under section 22 to any shareholder of that corporation. Idem

(3) Subject to section 28, where the Minister is of the opinion that the small business development corporation, its officers or directors, or its shareholders are conducting their business and affairs in a manner that is contrary to the spirit and intent of this Act or for the purpose of obtaining a grant or tax credit to which they would not otherwise be entitled, the Minister may, Revocation of registration or refusal of grant

- (a) revoke the registration of the small business development corporation; or
- (b) refuse to pay a grant under section 21 or allow a tax credit under section 22.

Saving

(4) Where a small business development corporation does not comply with the provisions of this Act or the regulations, but the Minister is of the opinion that the corporation is meeting the spirit and intent of this Act, the Minister may, for such time as in his opinion is appropriate, refrain from revoking the registration of any corporation.

Payment
of grant

21.—(1) Subject to subsections 2 and 3, a person who is the beneficial and registered owner of equity shares of a small business development corporation may make an application in the form prescribed by the Minister for a grant and the Minister may pay a grant equal to 30 per cent of the amount of money actually paid by the applicant to the small business development corporation for equity shares issued to him by the corporation.

Idem

(2) No grant shall be paid by the Minister under subsection 1 unless,

- (a) the equity shares are purchased or acquired directly from the corporation issuing the equity shares; and
- (b) the applicant is ordinarily resident in Ontario.

Supporting
material

(3) An application under subsection 1 shall be accompanied by,

- (a) a certificate containing the prescribed information signed by the secretary and one authorized officer of the small business development corporation that has issued the equity shares in respect of which a grant is sought; and
- (b) such additional material as may be prescribed by the Minister.

Interpre-
tation

(4) In this section and in section 20, "person" means an individual, partnership, unincorporated association, unincorporated syndicate, unincorporated organization, trust, trustee, executor, administrator, or other legal representative that is ordinarily resident in Ontario, but does not include a partnership, association, syndicate, organization or trust that has a corporation as one of its members or beneficiaries.

22.—(1) Subject to subsection 2, a corporation that is the beneficial and registered owner of equity shares of a small business development corporation may, subject to the approval of the Minister, deduct from the tax otherwise payable by it under Part II of *The Corporations Tax Act, 1972*, an amount equal to 30 per cent of the amount of money actually paid by the corporation to the small business development corporation for equity shares issued to it by the corporation. Tax credit
1972, c. 143

(2) Where a corporation claims a tax credit under subsection 1, the annual return required under section 145 of *The Corporations Tax Act, 1972*, in which the credit is claimed shall be accompanied by, Supporting material

- (a) a certificate containing the prescribed information signed by the secretary and one authorized officer of the small business development corporation that has issued the equity shares in respect of which a tax credit is sought; and
- (b) such additional material as may be prescribed by the Minister.

23. The unused portion of a tax credit obtained under subsection 1 of section 22 may be carried forward by the corporation and deducted from the tax otherwise payable by the taxpayer under Part II of *The Corporations Tax Act, 1972* in subsequent taxation years. Carry forward
of tax credit

24. Where a small business development corporation proposes to wind up or dissolve, or where its registration is revoked, or any of its equity shares are purchased or otherwise acquired by the small business development corporation, the small business development corporation shall immediately pay to the Minister an amount of money calculated according to the following rules: Recovery of
grant or tax
credit

1. Where an equity share of the small business development corporation is purchased or otherwise acquired by it for a total consideration equal to or greater than that for which the share was issued, the small business development corporation shall pay to the Minister an amount of money equal to 30 per cent of the consideration paid to the corporation by the shareholder for the share at the time the share was issued.
2. Where an equity share of the small business development corporation is purchased or otherwise acquired by it for a total consideration that is less

than that for which the share was issued, the small business development corporation shall pay to the Minister an amount equal to 30 per cent of the gross consideration paid by the corporation for the purchase or acquisition of the share.

3. Where the registration of a small business development corporation is revoked or where the corporation proposes to wind up or dissolve, it shall pay to the Minister an amount of money equal to 30 per cent of the value of all of its shareholders' equity to an amount not exceeding the aggregate of the grants or tax credits made or allowed by the Minister in respect of all equity shares then issued and outstanding at the time of revocation, winding up or dissolution, calculated in the prescribed manner.

Idem

25. The amount to be paid to the Minister by the small business development corporation under section 24 shall be deemed to be a tax imposed upon the corporation under *The Corporations Tax Act, 1972* and may be collected and enforced in accordance with the provisions of that Act.

1972, c. 143

Share
certificate

26. Every share certificate in respect of equity shares issued by a small business development corporation shall conspicuously state upon its face the words, "The value of the shares represented by this certificate may be significantly affected by recapture provisions under *The Small Business Development Corporations Act, 1979*".

1979, c. 22

Demand for
payment

27.—(1) Where any amount is payable to the Crown or is deemed to be payable to the Crown under this Act, the Minister may, by Notice of Demand in writing to the person or corporation by whom such payment is owing or claimed to be owing, demand payment immediately or in such number of days as are specified in the demand, and if the payment is not made as demanded, the Minister may recover and collect the amount thereof by any of the remedies or procedures provided for in this Act.

Liability for
payment not
affected

(2) Notwithstanding that an objection or other proceeding under section 28 has been commenced or may be commenced, every amount demanded to be paid pursuant to subsection 1 remains payable and recoverable until the demand therefor is revoked in writing by the Minister.

DISPUTES

Proposal by
Minister

28.—(1) Where the Minister proposes,

- (a) to refuse to register a corporation under this Act;
- (b) to revoke the registration of a small business development corporation;
- (c) to refuse to make a grant under section 21; or
- (d) to refuse to allow a tax credit under section 22,

he shall serve notice of his proposal, together with written reasons therefor on the applicant or registrant.

(2) If the Minister has not registered a corporation under section 5 within four months of the date on which the corporation delivered a proposal under section 3, the Minister shall be deemed to have refused registration under clause a of subsection 1. Registration deemed refused

(3) Where a person or corporation objects to a proposal under subsection 1 that is served on them, they may, within sixty days from the day of mailing of the proposal or the date upon which the Minister has been deemed to have refused registration under subsection 2, serve on the Minister a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts. Objection

(4) A notice of objection under this section shall be served by being sent by registered mail addressed to the Minister. Service

(5) The Minister may accept a notice of objection under this section notwithstanding that it was not served in the manner required. Idem

(6) Where an applicant or registrant does not serve a notice of objection under subsection 3, the Minister may carry out the proposal stated in his notice under subsection 1. Action on proposal

(7) Upon receipt of the notice of objection, the Minister shall with all due dispatch reconsider the proposal objected to and confirm, vary or abandon the proposal, and he shall thereupon notify the person or corporation making the objection of his action by registered mail. Reconsideration

(8) A decision of the Minister under subsection 7 is final and is not subject to appeal except where the decision involves the interpretation of a provision of this Act, or involves an issue solely of law. Where decision final

Determination
of question

29. In any dispute over a decision or action of the Minister under subsection 7 of section 28, the Minister may, where the dispute involves the interpretation of a provision of this Act, or involves an issue solely of law in which no facts are in dispute, or involves the proper inference to be drawn from facts that are not in dispute, agree in writing with the disputing party as to the undisputed facts and thereafter apply to the Supreme Court to have the issue in dispute determined, and if the Minister does not make the application within six weeks of the date upon which the undisputed facts have been agreed upon in writing, the other party to the dispute may apply to the court to have the issue determined.

OFFENCES

Offence

30.—(1) Every person or corporation that makes or assists in making a statement in any document required by or for the purposes of this Act or the regulations that, at the time and in the light of the circumstances under which it was made, is false or misleading in respect of any material fact or that omits to state any material fact the omission of which makes the statement false or misleading is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 or if such person is a corporation to a fine of not more than \$20,000.

Exception

(2) No person or corporation is guilty of an offence under subsection 1 if he did not know that the statement was false or misleading and in the exercise of reasonable diligence could not have known that the statement was false or misleading.

Application of
1972, c. 143,
ss. 161 to 166

31. Sections 161 to 166 of *The Corporations Tax Act, 1972* shall be deemed to apply to,

- (a) an application for a grant under section 21;
- (b) a claim for a tax credit under section 22; and
- (c) any books, records, accounts or returns required to be maintained or made by a small business development corporation,

and any reference in the sections of *The Corporations Tax Act, 1972* to a corporation shall be applied as though the sections also included a reference to persons.

False
statements

32. In addition to any other remedy available under this Act, where any person or corporation obtains a grant or tax credit under this Act or the regulations, on the basis of

information that is false or misleading or an application that contains any false or misleading statement, the amount of such grant or tax credit together with interest thereon at the prescribed rate, shall be deemed to be a debt due to the Crown and may be recovered by an action in a court of competent jurisdiction.

33. Proceedings to enforce any provision of this Act or the regulations may be instituted within six years after the time the subject-matter of the proceedings arose. Limitation

34.—(1) The Lieutenant Governor in Council may make regulations, Regulations,
by Lieutenant
Governor in
Council

- (a) requiring the payment of fees for any matter required to be done in the administration of this Act and prescribing the amounts thereof;
- (b) requiring any person to make information returns respecting any class of information required in assessing compliance with this Act;
- (c) prescribing the calculation of the amount of a grant or tax credit where equity shares are purchased by a shareholder as part of a distribution to the public;
- (d) defining any word or expression used in this Act that has not already been expressly defined in this Act;
- (e) prescribing the method of calculation of the consideration to be paid for each equity share under section 24 where a small business development corporation proposes to dissolve, or where its registration is revoked, or any of its equity shares are purchased or otherwise acquired by the small business development corporation;
- (f) prescribing any conditions that a corporation must meet prior to registration;
- (g) prescribing the method of determining the amount of equity capital of a small business development corporation;
- (h) prescribing authorized investments for the purposes of section 10;
- (i) prescribing the amount of money available at any time under this Act or available by way of grant or tax credit;

(j) prescribing the method of calculation to be used in determining the percentage of wages and salaries paid in respect of operations in Ontario;

(k) prescribing any matter required by this Act to be prescribed by the regulations.

by Minister

(2) The Minister may make regulations,

(a) prescribing forms and providing for their use;

(b) prescribing anything that by this Act is to be prescribed by the Minister;

(c) delegating any of his duties or powers under this Act to any public servant.

may be
retroactive

(3) A regulation is, if it so provides, effective with reference to a period before it was filed.

Moneys

35. The moneys required for the purposes of this Act shall, until the 31st day of March, 1980, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

1977, c. 10,
repealed

36. *The Venture Investment Corporations Registration Act, 1977*, being chapter 10, is repealed.

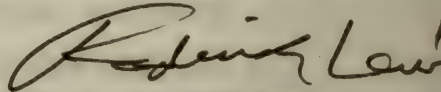
Commence-
ment

37. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

38. The short title of this Act is *The Small Business Development Corporations Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR MAY 18 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act respecting
Small Business Development
Corporations

1st Reading

April 10th, 1979

2nd Reading

May 15th, 1979

3rd Reading

May 17th, 1979

THE HON. F. S. MILLER
Treasurer of Ontario and
Minister of Economics

Outline by J. S. Miller

BILL 50

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to authorize
the Raising of Money on the Credit of
the Consolidated Revenue Fund**

THE HON. F. S. MILLER
Treasurer of Ontario and Minister of Economics

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 50

1979

**An Act to authorize
the Raising of Money on the Credit of
the Consolidated Revenue Fund**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan in any manner provided by *The Financial Administration Act* such sum or sums of money as are considered necessary for discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any moneys expended for any of such purposes, provided that the principal amount of any securities issued and temporary loans raised under the authority of this Act shall not exceed in the aggregate \$1,600,000,000.

Loans up to
\$1,600,000,000

R.S.O. 1970,
c. 166

(2) The sum of money authorized to be raised by sub-section 1 for the purposes mentioned therein shall include the principal amounts of Province of Ontario debentures issued to the Teachers' Superannuation Fund under authority of *The Teachers' Superannuation Act* and to the Ontario Municipal Employees Retirement Fund under authority of *The Ontario Municipal Employees Retirement System Act*, but shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

Idem

R.S.O. 1970,
cc. 455, 324

2. No money shall be raised by way of loan under sub-section 1 of section 1 except to the extent authorized by order of the Lieutenant Governor in Council made prior to the 30th day of September, 1980.

Limitation

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. The short title of this Act is *The Ontario Loan Act*, 1979.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR MAY 18 1979

Roderick Lewis

An Act to authorize the Raising of
Money on the Credit of the Consolidated
Revenue Fund

1st Reading

April 10th, 1979

2nd Reading

May 10th, 1979

3rd Reading

May 10th, 1979

THE HON. F. S. MILLER
Treasurer of Ontario and
Minister of Economics

Pauline by. by S. Hon

BILL 51

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Financial Administration Act**

THE HON. F. S. MILLER
Treasurer of Ontario and Minister of Economics

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 51

1979

An Act to amend The Financial Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Financial Administration Act*, being chapter 166 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 142, section 1, is further amended by adding thereto the following subsection:

s. 12,
amended

(3) Any fees, commissions or expenses incurred in respect of the purchase, acquisition, holding or sale of any securities under this section are a charge upon and payable out of the Consolidated Revenue Fund.

Fees, etc.,
a charge on
the Consoli-
dated
Revenue Fund

2. Section 18 of the said Act is amended by adding thereto the following subsection:

s. 18,
amended

(2) Where an Act or a regulation made thereunder provides for the payment of a fee and,

Idem

- (a) the Act or the regulation does not provide for a refund of the fee; and
- (b) the Act does not authorize the making of a regulation providing for a refund of the fee,

the Lieutenant Governor in Council may make regulations under the Act providing for a refund of the fee in whole or in part and prescribing the conditions under which the refund may be made.

3. Subsection 1 of section 33a of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 142, section 2, is amended by striking out "\$50,000,000" in the fifteenth line and inserting in lieu thereof "\$250,000,000".

s. 33a (1),
amended

s. 49,
amended

4. Section 49 of the said Act is amended by adding thereto the following clause:

(d) prescribing a rate of interest per annum for the purpose of subsection 3 of section 50.

s. 50 (3),
amended

5. Subsection 3 of section 50 of the said Act is amended by striking out "at the rate of 5 per cent per annum" in the sixth and seventh lines and inserting in lieu thereof "at a rate of interest per annum prescribed by the Lieutenant Governor in Council".

Commence-
ment

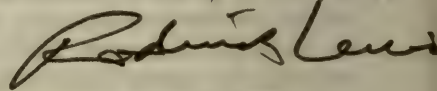
6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is *The Financial Administration Amendment Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

MAY 18, 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Financial Administration Act

1st Reading

April 10th, 1979

2nd Reading

May 10th, 1979

3rd Reading

May 10th, 1979

THE HON. F. S. MILLER
Treasurer of Ontario and
Minister of Economics

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Mining Tax Act, 1972**

THE HON. J. A. C. AULD
Minister of Natural Resources

BILL 52

1979

An Act to amend The Mining Tax Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Mining Tax Act, 1972*, being chapter 140, as re-enacted by the Statutes of Ontario, 1974, chapter 132, section 2, is repealed and the following substituted therefor: s. 3 (1),
re-enacted

(1) Every mine, the profit of which as determined under this section exceeds \$250,000 in a taxation year, is liable for and the owner, holder, tenant, occupier or operator of the mine shall pay a tax of, Profit
tax

(a) 15 per cent on the excess of profit above \$250,000 and up to \$1,000,000; and

(b) 20 per cent on the excess of profit above \$1,000,000 and up to \$10,000,000; and

(c) 25 per cent on the excess of profit above \$10,000,000 and up to \$20,000,000; and

(d) 30 per cent on the excess of profit above \$20,000,000.

- 2.—(1) Subsection 1 of section 15 of the said Act is amended by inserting after "subsection 1" in the third line "or 1b". s. 15 (1),
amended

(2) Subsection 2 of the said section 15 is amended by inserting after "subsection 4" in the third line "or 4a". s. 15 (2),
amended

(3) Subsection 3 of the said section 15 is amended by inserting after "subsection 1" in the third line "or 1b". s. 15 (3),
amended

- 3.—(1) This Act, except section 2, shall be deemed to have come into force on the 11th day of April, 1979 and to apply Commence-
ment and
application

in respect of all taxation years ending after the 10th day of April, 1979, except that with respect to the taxation year ending after the 10th day of April, 1979, and that includes that day, the following rules apply:

- (a) determine the amount of tax payable under section 3 of the said Act as that section stood on the 10th day of April, 1979 on the assumption that that section as it so stood was applicable to that taxation year;
- (b) determine the proportion of the amount determined under clause *a* that the number of days of that taxation year prior to the 11th day of April, 1979 bears to the total number of days of that taxation year;
- (c) determine the amount of tax payable under section 3 of the said Act, as amended by section 1 of this Act, on the assumption that the section as so amended was applicable for that taxation year;
- (d) determine the proportion of the amount determined under clause *c* that the number of days of that taxation year that follow the 10th day of April, 1979 bears to the total number of days of that taxation year;
- (e) determine the aggregate of the amounts determined under clauses *b* and *d* in respect of the corporation,

and the aggregate determined under clause *e* is the amount payable under section 3 of the said Act, as amended by section 1 of this Act, for a taxation year that ends after the 10th day of April, 1979 and that includes that day.

Idem

- (2) Section 2 shall be deemed to have come into force on the 8th day of March, 1978.

Short title

- 4. The short title of this Act is *The Mining Tax Amendment Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 14, 1979

Roderick Len

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Mining Tax Act, 1972

1st Reading

April 10th, 1979

2nd Reading

June 12th, 1979

3rd Reading

June 12th, 1979

THE HON. J. A. C. AULD
Minister of Natural Resources

Pauline G. G. G. G.

BILL 53

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Income Tax Act

THE HON. L. MAECK
Minister of Revenue

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 53

1979

An Act to amend The Income Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *i* of subsection 3 of section 3 of *The Income Tax Act*, being chapter 217 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1978, chapter 11, section 1, is repealed and the following substituted therefor:
 - (i) 44 per cent in respect of the 1977, 1978 and 1979 taxation years.
2. This Act shall be deemed to have come into force on the 1st day of January, 1979. Commence-
ment
3. The short title of this Act is *The Income Tax Amendment Act*, 1979. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR MAY 3 1979

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Income Tax Act

1st Reading

April 10th, 1979

2nd Reading

April 24th, 1979

3rd Reading

April 24th, 1979

THE HON. L. MAECK
Minister of Revenue

Pauline G. G. S. Hon
BILL 54

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Motor Vehicle Fuel Tax Act**

THE HON. L. MAECK
Minister of Revenue

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 54

1979

An Act to amend The Motor Vehicle Fuel Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Motor Vehicle Fuel Tax Act*, being chapter 282 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 14, section 1 and 1972, chapter 147, section 1, is further amended by adding thereto the following clause:

s. 1,
amended

(h) "tax" includes all penalties and interest that are or may be added to a tax under this Act.

- 2.—(1) Subsections 1 and 2 of section 3 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 78, section 2, are repealed and the following substituted therefor:

s. 3 (1, 2),
re-enacted

(1) Every purchaser shall pay to the Treasurer a tax ^{Tax} at the rate of 5.9 cents per litre on all fuel received or used in Ontario by him to generate power in a motor vehicle other than railway equipment and shall pay a tax at the rate of 2.2 cents per litre on all fuel received or used in Ontario by him to propel railway equipment on rails where such equipment is operated in connection with and as part of a public transportation system.

(2) Every registrant shall pay to the Treasurer a tax at the rate of 5.9 cents per litre on all fuel used by him to generate power in a motor vehicle other than railway equipment and shall pay a tax at the rate of 2.2 cents per litre on all fuel used by him to propel railway equipment on rails where such equipment is operated in connection with and as part of a public transportation system. ^{Idem}

s. 3 (10),
amended

- (2) Subsection 10 of the said section 3, as enacted by the Statutes of Ontario, 1977, chapter 18, section 2, is amended by adding at the end thereof "and for the purposes of the assessment and collection of such payment the person receiving such payment as or in lieu of the tax payable under this Act is deemed to be a registrant".

s. 6,
amended

3. Section 6 of the said Act is amended by striking out "a surety bond" in the first and second lines and inserting in lieu thereof "security".

Commence-
ment

- 4.—(1) This Act, except subsection 1 of section 2, comes into force on the day it receives Royal Assent.

Idem

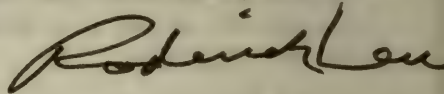
- (2) Subsection 1 of section 2 shall be deemed to have come into force on the 11th day of April, 1979.

Short title

5. The short title of this Act is *The Motor Vehicle Fuel Tax Amendment Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

MAY 18 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Motor Vehicle Fuel Tax Act

1st Reading

April 10th, 1979

2nd Reading

April 24th, 1979

3rd Reading

May 8th, 1979

THE HON. L. MAECK
Minister of Revenue

Decline of 1973-1974

BILL 55

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Gasoline Tax Act, 1973**

THE HON. L. MAECK
Minister of Revenue

BILL 55

1979

An Act to amend The Gasoline Tax Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 1 and 2 of section 2 of *The Gasoline Tax Act, 1973*,<sup>s. 2 (1, 2),
re-enacted</sup> being chapter 99, as re-enacted by the Statutes of Ontario, 1978, chapter 77, section 1, are repealed and the following substituted therefor:

(1) Every purchaser of gasoline shall pay to the Treasurer a tax at the rate of 4.6 cents per litre on all gasoline purchased, or delivery of which is received, by him.<sup>Tax payable
by purchaser
of gasoline</sup>

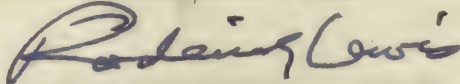
(2) Every purchaser of aviation fuel shall pay to the Treasurer a tax at the rate of 1.32 cents per litre on all aviation fuel purchased, or delivery of which is received, by him.<sup>Tax on
aviation
fuel</sup>

2. Section 6 of the said Act is amended by adding thereto the following subsection:<sup>s. 6,
amended</sup>

(6) The Minister may require that any person charged with collection of the tax imposed by this Act shall furnish security in such form and amount and for such length of time as the Minister considers necessary.^{Security}

3. Clause *b* of section 31 of the said Act is repealed.<sup>s. 31 (b),
repealed</sup>
4. This Act shall be deemed to have come into force on the 11th day of April, 1979.<sup>Commence-
ment</sup>
5. The short title of this Act is *The Gasoline Tax Amendment Act, 1979*.^{Short title}

ASSENTED TO BY LIEUTENANT-GOVERNOR MAY 3 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Gasoline Tax Act, 1973

1st Reading

April 10th, 1979

2nd Reading

April 26th, 1979

3rd Reading

April 26th, 1979

THE HON. L. MAECK
Minister of Revenue

Pauline by J. C. Thatcher

BILL 56

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Tobacco Tax Act**

THE HON. L. MAECK
Minister of Revenue

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 56

1979

An Act to amend The Tobacco Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Tobacco Tax Act*, being chapter 463 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1978, chapter 5, section 1, is repealed and the following substituted therefor: s. 2 (1),
re-enacted

(1) Every consumer shall pay to Her Majesty in right of Ontario a tax computed as follows: Tax on
consumers

- (a) 1.2 cents on every cigarette purchased by him;
- (b) 0.5 cents on every gram or part thereof of any tobacco, other than cigarettes or cigars, purchased by him;
- (c) 3 cents on every cigar purchased by him for a price at retail of not more than 9 cents;
- (d) 45 per cent of the price at retail of every cigar that is purchased by him for a price at retail of more than 9 cents, provided that where the application of such rate of tax produces a fraction of a cent, the fraction shall be counted as one full cent.

2. Clause *b* of section 4 of the said Act is amended by striking out "a surety bond" in the first line and inserting in lieu thereof "security". s. 4 (b),
amended

3. Subsection 1 of section 6 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 11, section 2, is amended by inserting after "stock" in the first line "of tobacco". s. 6 (1),
amended

s. 8 (2),
re-enacted

4. Subsection 2 of section 8 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 11, section 3, is repealed and the following substituted therefor:

Default in
payment over
to Treasurer

(2) If any person who has collected any tax imposed by this Act fails to pay it over to the Treasurer at the time and in the manner prescribed by the regulations or by agreement made under the regulations, as the case may be, the amount thereof becomes a debt due from such person to Her Majesty in right of Ontario.

s. 10a (1),
amended

5. Subsection 1 of section 10a of the said Act, as enacted by the Statutes of Ontario, 1977, chapter 11, section 4, is amended by striking out "Upon default of payment of an amount assessed under section 8b" in the first and second lines and inserting in lieu thereof "Upon default of payment by any person of any amount payable, or to be remitted under this Act as tax, interest, or a penalty, other than a penalty imposed as a result of a prosecution for an offence under this Act".

s. 15a,
amended

6. Section 15a of the said Act, as enacted by the Statutes of Ontario, 1977, chapter 11, section 6, is amended by adding thereto the following subsections:

Limitation

(1a) No refund under subsection 1 shall be made unless an application for the refund is made to the Minister within three years from the date of payment of the amount a refund of which is sought, and unless evidence satisfactory to the Minister is furnished to establish the entitlement of the applicant to the refund claimed.

Saving

(1b) Where, as the result of an assessment or reassessment or the final decision of a court in proceedings commenced under section 8e, the person assessed or reassessed or the appellant, as the case may be, has overpaid the tax, interest or penalty payable under this Act, the amount of such overpayment shall be refunded or applied to liability of such person in accordance with subsection 1 notwithstanding the limitation contained in subsection 1a.

s. 16 (1) (c),
re-enacted

7. Clause c of subsection 1 of section 16 of the said Act is repealed and the following substituted therefor:

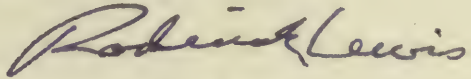
(c) requiring security to be furnished by the persons who collect the tax imposed by this Act and prescribing the form and amount of the security to be furnished.

Commence-
ment

- 8.—(1) This Act, except sections 1 and 6, comes into force on the day it receives Royal Assent.

- (2) Section 1 shall be deemed to have come into force on the Idem
11th day of April, 1979.
- (3) Section 6 shall be deemed to have come into force on the Idem
11th day of April, 1979 and applies in respect of over-
payments made before or after that date.
9. The short title of this Act is *The Tobacco Tax Amendment* Short title
Act, 1979.

ASSENTED TO BY LIEUTENANT-GOVERNOR MAY 3 1979



CLERK
LEGISLATIVE ASSEMBLY

... ..

1900-1901

An Act to amend
The Tobacco Tax Act

1st Reading

April 10th, 1979

2nd Reading

April 24th, 1979

3rd Reading

April 24th, 1979

THE HON. L. MAECK
Minister of Revenue

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Land Transfer Tax Act, 1974**

THE HON. L. MAECK
Minister of Revenue

An Act to amend The Land Transfer Tax Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of subsection 1 of section 1 of *The Land Transfer Tax Act, 1974*, being chapter 8, is amended by striking out “or any transfer of land by virtue of which there is a change in the legal ownership of the land without any change in its beneficial ownership” in the fourteenth, fifteenth, sixteenth and seventeenth lines. s. 1 (1) (b),
amended

(2) Clause *m* of subsection 1 of the said section 1, as amended by the Statutes of Ontario, 1974, chapter 93, section 1 and 1977, chapter 14, section 1, is repealed and the following substituted therefor: s. 1 (1) (m),
re-enacted

(*m*) “value of consideration” includes,

- (i) the gross sale price or the amount expressed in money of any consideration given or to be given for the conveyance by or on behalf of the transferee and the value expressed in money of any liability assumed or undertaken by or on behalf of the transferee as part of the arrangement relating to the conveyance and the value expressed in money of any benefit of whatsoever kind conferred directly or indirectly by the transferee on any person as part of the arrangement relating to the conveyance,
- (ii) in the case of a final order of foreclosure under any mortgage or charge affecting land, the lesser of,

(A) the amount owed under the mortgage or charge at the time it was fore-

closed, including principal, interest and all other costs and expenses, other than municipal taxes, secured by the mortgage or charge and owing at that time, or


- (B) an amount established to the satisfaction of the Minister to be equal to the fair market value of the land that is subject to the mortgage or charge,
- (iii) in the case where a lease of land, a transfer of the interest of a lessee under a lease of land, or a notice in writing signifying the existence of a lease of land or of a transfer of the interest of a lessee under a lease of land is not exempt from tax by virtue of subsection 4, the fair market value, ascertained as at the time of the tender for registration, of the land to which the lease extends or of a smaller portion of such land if only such smaller portion is conveyed,
- (iv) in the case of a notice or caution in writing signifying the existence of any instrument or writing by which land is conveyed and that is not a notice in writing described in subclause iii the value of the consideration, determined under subclause i or ii for the land conveyed by the instrument or writing that is referred to in such notice or caution in writing that is not a notice in writing described in subclause iii, or
- (v) in the case of a conveyance of land from a trustee (whether or not the trustee is so described in the conveyance) to a person to whom or for whose benefit any equitable or beneficial interest in the land has been transferred by a conveyance or conveyances that have not been registered, the value of the consideration determined under subclauses i to iv, whichever is applicable, in respect of the unregistered conveyances made to such person.

s. 2 (1),
amended

2.—(1) Subsection 1 of section 2 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 14, section 2, is amended,

- (a) by striking out "three-tenths" in the twelfth line and inserting in lieu thereof "two-fifths";
- (b) by striking out "\$35,000" in the fourteenth line and inserting in lieu thereof "\$45,000"; and
- (c) by striking out "six-tenths" in the fourteenth line and inserting in lieu thereof "four-fifths".
- (2) Subsection 6 of the said section 2, as enacted by the Statutes of Ontario, 1977, chapter 14, section 2, is amended by striking out "six-tenths of 1 per cent" in the ninth line and inserting in lieu thereof "four-fifths of 1 per cent". ^{s. 2 (6), amended}
3. Subsection 5a of section 16 of the said Act, as enacted by the Statutes of Ontario, 1977, chapter 14, section 7, is amended by striking out "subclause v" in the seventh and eighth lines and inserting in lieu thereof "subclause iii". ^{s. 16 (5a), amended}
4. This Act shall be deemed to have come into force on the 11th day of April, 1979 and applies to all conveyances made, executed or delivered on, before or after that date but not tendered for registration until on or after that date. ^{Commencement}
5. The short title of this Act is *The Land Transfer Tax Amendment Act, 1979*. ^{Short title}

ASSENTED TO BY LIEUTENANT-GOVERNOR MAY 18 1979



CLERK
LEGISLATIVE ASSEMBLY

THE STATE OF TEXAS, County of _____
do hereby certify that _____
has been duly elected _____
and qualified for the office of _____

Witness my hand and seal of office this _____ day of _____
19____.

County Clerk

Notary Public

Notary Public

Notary Public

Notary Public

Notary Public

Notary Public

Notary Public

Notary Public

An Act to amend
The Land Transfer Tax Act, 1974

1st Reading

April 10th, 1979

2nd Reading

April 26th, 1979

3rd Reading

May 8th, 1979

THE HON. L. MAECK
Minister of Revenue

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Retail Sales Tax Act**

THE HON. L. MAECK
Minister of Revenue

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Retail Sales Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clauses *a* and *b* of paragraph 17 of section 1 of *The Retail Sales Tax Act*, being chapter 415 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

s. 1, par. 17(a),
re-enacted;
s. 1, par. 17(b),
repealed

- (a) telecommunication services of all kinds, including without restricting the generality of the foregoing, telephone and telegraph services, community antenna television and cable television, transmissions by microwave relay stations or by satellite, and pay television, but not including public broadcasting services that are broadcast through the air for direct reception by the public without charge; or

.

- (2) The said section 1, as amended by the Statutes of Ontario, 1973, chapter 23, section 1, 1975, chapter 9, section 1, 1976, chapter 23, section 1, 1976, chapter 82, section 1, 1977, chapter 13, section 1 and 1978, chapter 6, section 1, is further amended by adding thereto the following paragraph:

s. 1,
amended

- 17b. "telecommunication" means any transmission, emission or reception of signs, signals, writing, images or sound or intelligence of any nature by wire, radio, visual or other electromagnetic or laser-based system, but does not include any transmission, emission or reception or class thereof that is prescribed by the Minister to be excluded for the purpose of this paragraph.

s. 2 (4),
amended

- 2.—(1) Subsection 4 of section 2 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 13, section 2, is amended by striking out “\$3.00” in the fourth line and inserting in lieu thereof “\$3.50”.

s. 2 (5a),
amended

- (2) Subsection 5a of the said section 2, as enacted by the Statutes of Ontario, 1976, chapter 82, section 2, is amended,

(a) by striking out “at the time of” in the twelfth line and inserting in lieu thereof “on the due date of”; and

(b) by striking out “made” in the thirteenth line.

s. 2 (8),
amended

- (3) Subsection 8 of the said section 2, as re-enacted by the Statutes of Ontario, 1975, chapter 9, section 2, is amended by striking out “two” in the third line and in the fifth line and inserting in lieu thereof in each instance “three”.

s. 2 (8b),
amended

- (4) Subsection 8b of the said section 2, as enacted by the Statutes of Ontario, 1975, chapter 9, section 2, is amended,

(a) by striking out “two” in the first line and inserting in lieu thereof “three”; and

(b) by striking out “two-year” in the eighth line and in the ninth line and inserting in lieu thereof in each instance “three-year”.

s. 2 (8c),
amended

- (5) Subsection 8c of the said section 2, as enacted by the Statutes of Ontario, 1976, chapter 23, section 2, is amended by striking out “two” in the fifth line and inserting in lieu thereof “three”.

s. 5 (1), par. 1,
re-enacted

- 3.—(1) Paragraph 1 of subsection 1 of section 5 of the said Act is repealed and the following substituted therefor:

1. food products for human consumption, except candies, confections or soft drinks purchased for a price that exceeds 49 cents, or for a price that exceeds 49 cents and that is specified to be payable in the purchase of two or more items, packages, bags, cartons or containers thereof.

s. 5 (1), par. 41,
amended

- (2) Paragraph 41 of subsection 1 of the said section 5, as re-enacted by the Statutes of Ontario, 1978, chapter 6, section 2, is amended by striking out “December, 1979” in the third and fourth lines and in the tenth line and inserting in lieu thereof in each instance “March, 1981”.

- (3) Paragraph 41a of subsection 1 of the said section 5, as enacted by the Statutes of Ontario, 1978, chapter 6, section 2, is amended, ^{s. 5 (1), par. 41a, amended}
- (a) by striking out "December, 1979" in the third line and inserting in lieu thereof "March, 1981"; and
 - (b) by adding at the end thereof "or 'modified American Plan'".
- (4) Subsection 1 of the said section 5, as amended by the Statutes of Ontario, 1972, chapter 21, section 1, 1973, chapter 23, section 4, 1974, chapter 7, section 2, 1975, chapter 9, section 4, 1976, chapter 23, section 3, 1976, chapter 82, section 3, 1977, chapter 13, section 4 and 1978, chapter 6, section 2, is further amended by adding thereto the following paragraphs: ^{s. 5 (1), amended}
- 67. patterns for the making of clothing or wearing apparel;
 - 68. textiles, as defined by the Minister, and trimmings therefor, as defined by the Minister, but not including floor coverings, canvas, plastics of any kind, metal cloth, natural or synthetic fur and leather, or thread, wool, yarn and similar materials for sewing, knitting, crocheting and similar handicrafts, or any material or product prescribed by the Minister to be excluded from the exemption conferred by this paragraph;
 - 69. self-contained household smoke alarms purchased for use in residential premises;
 - 70. furnishings, as defined by the Minister, or food preparation equipment, as defined by the Minister, when purchased for use in restaurants of the class or type prescribed by the Minister, or purchased for use in any hotel, motel, tourist resort or other similar tourist establishment, of the class or description prescribed by the Minister, provided that such furnishings or food preparation equipment is sold to, and delivery thereof is taken by, the purchaser wholly within the period commencing on the 11th day of April, 1979 and ending with the 31st day of March, 1981.
4. Subsections 2, 3, 3a, as enacted by the Statutes of Ontario, 1974, chapter 7, section 3, and subsection 4 of section 7 of the said Act are repealed and the following substituted therefor: ^{s. 7 (2), re-enacted; s. 7 (3, 3a, 4), repealed}

Exemption
from tax on
admissions

(2) The tax imposed by subsection 4 of section 2 is not payable in respect of the price of admission to any entertainment, event, dance, performance or exhibition staged or held in a place of amusement by, or under the auspices or sponsorship of,

R.S.C. 1952,
c. 148

(a) a registered Canadian amateur athletic association, as defined by paragraph *b* of subsection 8 of section 110 of the *Income Tax Act* (Canada), including a branch or affiliate association to which the registration under that Act of the Canadian amateur athletic association of which it is a branch or affiliate has been extended;

(b) a registered charity, as defined by paragraph *c* of subsection 8 of section 110 of the *Income Tax Act* (Canada);

(c) a labour organization or society, or a benevolent or fraternal benefit society or order;

R.S.O. 1970,
c. 15

(d) an agricultural society constituted pursuant to *The Agricultural Societies Act*;

(e) an educational institution;

(f) a club, society, association, chamber of commerce or board of trade organized and operated for any purpose except profit, no part of the income of which was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof except a proprietor, member or shareholder that is a club, society or association the primary purpose and function of which is the promotion of amateur athletics in Canada; or

(g) an organization that is substantially assisted or supported financially from public funds of the Province of Ontario and that is prescribed by the Minister for the purpose of this subsection.

s. 11 (1),
amended

5. Subsection 1 of section 11 of the said Act, as enacted by the Statutes of Ontario, 1975, chapter 9, section 5 and amended by the Statutes of Ontario, 1977, chapter 13, section 5, is further amended by striking out "For the period commencing on the 1st day of July, 1975 and ending with the 31st day of March, 1976, and thereafter" in the first, second and third lines.

s. 18 (2),
amended

6.—(1) Subsection 2 of section 18 of the said Act, as enacted by the Statutes of Ontario, 1977, chapter 13, section 6, is

amended by inserting after "proceedings" where it occurs the first time in the fourth line "sale by a secured creditor" and by adding at the end thereof "and the amount deemed by this subsection to be separate from, and to form no part of the estate or property in liquidation, shall be paid out of cash and the proceeds of the realization of the vendor's property and the said claim shall be paid in priority to all other claims except those described by subsection 4 to be claims to which this subsection is not applicable".

- (2) Subsection 3 of the said section 18, as enacted by the Statutes of Ontario, 1977, chapter 13, section 6, is amended ^{s. 18 (3), amended} by inserting after "receiver-manager" in the second line and in the fourteenth line "secured creditor or duly authorized agent of a secured creditor,".
- (3) Section 18 of the said Act, as amended by the Statutes ^{s. 18, amended} of Ontario, 1975, chapter 9, section 7 and 1977, chapter 13, section 6, is further amended by adding thereto the following subsections:

(4) Subsection 2 does not apply to claims made against the specific property of a vendor under fixed charges, mortgages and assignments where the specific property is identified by description in the agreements pursuant to which the security was given and does not apply to claims made against accounts receivable of the vendor that were assigned or mortgaged for value under a general assignment of book debts or security agreement registered under *The Personal Property Security Act* where the assignee or mortgagee has given notice to the vendor's debtor of his assignment or interest and legal entitlement to the debts in question and has directed the vendor's debtor to pay the debt to it or where the assignee or mortgagee is in actual receipt of the proceeds of the debts prior to the date when the vendor lost control or possession of his property. ^{Where subs. 2 not applicable}

(5) The amount deemed by subsection 2 to be separate from, and to form no part, of the estate or property in liquidation shall be paid in priority to claims against all property of the vendor acquired after the date when the vendor gave a fixed charge, mortgage or assignment of specific property and which property by the terms of the fixed charge, mortgage or assignment is to be included in the said security once acquired by the vendor and claims against all property of the vendor secured under a floating instrument purporting to charge the property of the vendor in existence at the date when the security instrument was given as well as property of the vendor acquired after that date. ^{Priorities}

Notice to be
given

(6) For the purpose of enabling the Minister to determine the amount that by subsection 2 is deemed to be separate from, and to form no part of, the estate or property in liquidation, every person who as assignee, liquidator, administrator, receiver, receiver-manager, secured creditor or duly authorized agent of a secured creditor, trustee or other like person, other than a trustee in bankruptcy, takes control or possession of the property of any vendor holding a valid and subsisting permit issued under section 3, shall within thirty days from the date of his assumption of possession or control give written notice thereof to the Minister.

Minister to
advise of
indebtedness

(7) As soon as possible after receiving such notice, the Minister shall advise the person described in subsection 6 of the amount of taxes collected by the vendor in the one year immediately preceding the date when the vendor lost control or possession of his property and not remitted to the Treasurer as required by subsection 1.

Interpre-
tation

(8) For the purposes of subsections 2 and 6, "estate" and "property" means all the assets of the vendor, real and personal, tangible and intangible, whether subject to liens, charges or encumbrances or whether free and clear of such claims, and without limiting the generality of the foregoing, includes lands, accounts receivable, claims demands, inventory, chattels, equipment, mortgages, leases and generally all the vendor's undertaking, property and assets, of whatsoever nature and kind and wheresoever situate in Ontario.

s. 21,
re-enacted

7. Section 21 of the said Act is repealed and the following substituted therefor:

Reply to
notice of
appeal

21. The Minister shall with all due dispatch serve on the person appealing and file in the court a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and all statutory provisions and reasons as he intends to rely on, and where the Minister has failed to serve the reply within 180 days from the date of service upon him of the notice under subsection 6 of section 20, the appellant may, upon twenty-one days notice to the Minister, apply to a judge of the Supreme Court for an order requiring the reply to be served within such time as the judge shall order, and the judge may, if he considers it proper in the circumstances, also order that, upon failure by the Minister to serve the reply in the time specified in the order, the assessment with respect to which the appeal is taken shall be vacated and any tax paid pursuant to such assessment shall be repaid to the appellant, but nothing in this section revives an appeal that is void

or affects a statement or assessment that has become valid and binding under subsection 8 of section 15 or subsection 7 of section 15a.

8. Subsection 3 of section 42 of the said Act, as enacted by the Statutes of Ontario, 1975, chapter 9, section 11 and amended by 1976, chapter 23, section 12 and 1976, chapter 82, section 4, is further amended by adding thereto the following clause:

(h) providing for the rebate of not more than \$700 of tax paid on the purchase of parts and materials incorporated into the construction of a solar heating system for residential premises, and prescribing the meaning of the expression "solar heating system", the conditions upon which and the class of persons to whom such rebate may be made, and the type of residential premises in which the installation of such solar heating system may qualify for the rebate.

- 9.—(1) This Act, except section 1, subsections 1, 3, 4 and 5 of section 2, subsections 1 and 4 of section 3, sections 4, 7 and 8, comes into force on the day it receives Royal Assent. s. 42 (3),
amended

(2) Section 1, subsection 1 of section 2, subsections 1 and 4 of section 3 and section 8 shall be deemed to have come into force on the 11th day of April, 1979. Idem

(3) Subsections 3, 4 and 5 of section 2 shall be deemed to have come into force on the 11th day of April, 1979 and to apply only where the payment, a refund of which is sought, was made on or after the 11th day of April, 1977. Idem

(4) Section 7 shall be deemed to have come into force on the 11th day of April, 1979 and to apply to appeals instituted on or after that date. Idem

(5) Section 4 comes into force on the 1st day of July, 1979. Idem

10. The short title of this Act is *The Retail Sales Tax Amendment Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR MAY 18 1979

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Retail Sales Tax Act

1st Reading

April 10th, 1979

2nd Reading

May 1st, 1979

3rd Reading

May 8th, 1979

THE HON. L. MAECK
Minister of Revenue

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Corporations Tax Act, 1972**

THE HON. L. MAECK
Minister of Revenue

TORONTO

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BILL 59

1979

An Act to amend The Corporations Tax Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 7 of section 7 of *The Corporations Tax Act, 1972*, ^{s. 7 (7),} being chapter 143, is repealed and the following substituted therefor: ^{re-enacted}

(7) Where a corporation, otherwise having a permanent ^{Idem} establishment in Canada, owns land in a province or territory of Canada, such land is a permanent establishment.

- 2.—(1) Subsection 6 of section 14 of the said Act, as re-enacted ^{s. 14 (6),} by the Statutes of Ontario, 1977, chapter 58, section 8 ^{amended} and amended by 1978, chapter 21, section 1, is further amended by striking out “5/13ths” in the amendment of 1978 and inserting in lieu thereof “5/14ths”.

- (2) Subsection 11 of the said section 14 is repealed. ^{s. 14 (11),} ^{repealed}

3. Subsection 5 of section 15 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 8, is repealed. ^{s. 15 (5),} ^{repealed}

- 4.—(1) Clause *b* of subsection 3 of section 16 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 8, is repealed and the following substituted therefor: ^{s. 16 (3) (b),} ^{re-enacted}

(b) there shall be included in computing a corporation's income for a taxation year any amount that has been deducted under section 18 in computing the corporation's income for the immediately preceding taxation year. ^{Amount} ^{deducted} ^{under s. 18 in} ^{preceding year}

- (2) Subsections 4, 5 and 6 of the said section 16 are repealed. ^{s. 16 (4, 5, 6),} ^{repealed}

s. 25 (5),
repealed

5. Subsection 5 of section 25 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 8, is repealed.

s. 31,
repealed

6. Section 31 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 8, is repealed.

s. 33,
amended

7. Section 33 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 8 and amended by 1978, chapter 21, section 2, is further amended by striking out "13 per cent" in the amendment of 1978 and inserting in lieu thereof "14 per cent".

s. 34,
amended

8. Section 34 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 8 and amended by 1978, chapter 21, section 3, is further amended by striking out "13 per cent" in the amendment of 1978 and inserting in lieu thereof "14 per cent".

s. 35 (1) (e),
amended

- 9.—(1) Clause *e* of subsection 1 of section 35 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 8 and amended by 1978, chapter 21, section 4, is further amended by striking out "13 per cent" in the amendment of 1978 and inserting in lieu thereof "14 per cent".

s. 35 (1) (f) (i),
re-enacted

- (2) Subclause *i* of clause *f* of subsection 1 of the said section 35 is repealed and the following substituted therefor:

- (i) that portion of the income or profits tax paid for the taxation year by the corporation to the jurisdiction outside Canada in respect of the foreign investment income referred to in clause *e*, that was not deducted, by virtue of subsection 12 of section 20 of the *Income Tax Act* (Canada) for the purposes of that Act or for the purposes of this Act by virtue of that subsection as made applicable by section 14 of this Act, in computing the corporation's income for the year, and

R.S.C. 1952,
c. 148

s. 36 (1),
amended

- 10.—(1) Subsection 1 of section 36 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 8, is amended by striking out "3 per cent" in the fifth line and inserting in lieu thereof "4 per cent".

s. 36 (5),
re-enacted

- (2) Subsection 5 of the said section 36 is repealed and the following substituted therefor:

♦

(5) In this section, "tax otherwise payable under this Part" means the tax for the taxation year otherwise payable by the corporation under this Part after making any deduction applicable under sections 34 and 35, but before making any deduction under this section or section 36a. Interpretation

11. The said Act is amended by adding thereto the following section: s. 36a, enacted

36a.—(1) There may be deducted from the tax otherwise payable under this Part for a taxation year by a corporation an amount equal to 1 per cent of that proportion of the amount determined under subsection 2 that, Tax credit for eligible profits

- (a) that portion of its taxable income or taxable income earned in Canada, as the case may be, for the year remaining after deducting therefrom that portion thereof which is earned in the taxation year in jurisdictions other than Ontario as determined for the purpose of section 34,

is of

- (b) the aggregate of the portions of its taxable income or taxable income earned in Canada, as the case may be, for the taxation year which were earned in the provinces or territories of Canada as determined for the purpose of section 34.

(2) For the purpose of subsection 1, the amount determined under this subsection is the lesser of, Idem

- (a) the amount, if any, by which the corporation's eligible Canadian profits for the year exceeds the least of the amounts determined under paragraphs *a*, *b*, *c* and *d* of subsection 1 of section 125 of the *Income Tax Act* (Canada) in respect of the corporation for the year; and R.S.C. 1952, c. 148

- (b) the amount, if any, by which the corporation's taxable income for the year exceeds the aggregate of,

- (i) the least of the amounts determined under paragraphs *a*, *b*, *c* and *d* of subsection 1 of section 125 of the *Income Tax Act* (Canada) in respect of the corporation for the year,

- (ii) the amount, if any, of that portion of the corporation's taxable income for the year

which is earned in jurisdictions outside Canada as determined for the purpose of section 34, and

- (iii) the amount, if any, by which the aggregate of the corporation's Canadian investment income for the year and its foreign investment income for the year, as defined in subsection 4 of section 129 of the *Income Tax Act* (Canada), exceeds the amount, if any, deducted under paragraph *b* of subsection 1 of section 111 of that Act as made applicable by section 29, from the corporation's income for the year.

Interpretation
eligible
Canadian
profits

(3) For the purposes of subsection 2, "eligible Canadian profits" of a corporation for a taxation year means such portion of the aggregate of all amounts each of which is the income of the corporation for the year from manufacturing and processing, mining, farming, logging or fishing carried on in Canada as is determined under rules prescribed for that purpose by the regulations.

s. 41 (2, 4, 5),
re-enacted

- 12.** Subsections 2, 4 and 5 of section 41 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 8 and amended by 1978, chapter 21, section 5, are repealed and the following substituted therefor:

Idem

(2) In the application of subparagraph *i* of paragraph *a* of subsection 2 of the said section 131 for the purposes of this Act, the percentage referred to therein shall be read as "7 per cent".

Idem

(4) In the application of clause *A* of subparagraph *i* of paragraph *a* and clause *C* of subparagraph *ii* of paragraph *b* of subsection 6 of the said section 131, for the purposes of this Act, the multiplication factor referred to therein shall be read as "14 2/7 times".

Idem

(5) In the application of paragraph *d* of subsection 6 of the said section 131 for the purposes of this Act, subparagraph *i* thereof shall be read without reference to clause *C* thereof, and the percentage referred to in clauses *A* and *B* of the said subparagraph shall be read as "14 per cent".

s. 126 (1) (c),
re-enacted

- 13.**—(1) Clause *c* of subsection 1 of section 126 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 58,

section 9, is repealed and the following substituted therefor:

- (c) all its reserves, whether created from income or otherwise, except any reserve the creation of which is allowed as a deduction under the provisions of Part II, except that the reserves the creation of which is allowed as a deduction under the following provisions of Part II shall be included in paid-up capital,

- (i) paragraph *n* of subsection 1 of section 20 of the *Income Tax Act* (Canada) as that paragraph applies by virtue of subsections 1 and 8 of section 14 of this Act, R.S.C. 1952, c. 148

- (ii) subparagraph iii of paragraph *a* of subsection 1 of section 40 of the *Income Tax Act* (Canada) as that subparagraph applies by virtue of subsection 1 of section 15 of this Act, and

- (iii) subsection 1 of section 18.

- (2) The said section 126, as amended by the Statutes of s. 126, amended
Ontario, 1973, chapter 42, section 11, 1977, chapter 16, section 3, 1977, chapter 58, sections 9 and 26 and 1978, chapter 14, section 12, is further amended by adding thereto the following subsection:

- (4) For the purpose of subsection 1 the paid-up capital of the corporate partners of a partnership shall, with respect to their interests in the partnership, be determined in accordance with the following rules: Interpretation

- (a) determine the paid-up capital of the partnership as if it were a corporation;
 - (b) allocate the paid-up capital of the partnership as determined under clause *a* to each partner thereof in the same proportion as the share of the profits to which the partner is entitled under the partnership agreement;
 - (c) where a general partner of a limited partnership is a corporation, and where,
 - (i) an individual who is a limited partner thereof or a member of his family is a shareholder of or is related to the general partner, or

- (ii) a trust, the beneficiaries of which are related to any person mentioned in subclause i, is a limited partner thereof,

the amount allocated to such limited partner under clause *b* shall be added to the paid-up capital of the general partner otherwise allocated to it under clause *b*; and

- (*d*) where two or more general partners of a limited partnership are corporations and where a limited partner referred to in clause *c* is a shareholder of or is related to two or more of such general partners the amount allocated to such limited partner under clause *b* shall be apportioned and added to the paid-up capital of each general partner of which the limited partner is a shareholder or to which he is related in the same proportion that the share of the profits of the limited partnership of that general partner is to the total share of the profits of the limited partnership of all of the general partners of which the limited partner is a shareholder or to which he is related.

s. 127 (1)
(c) (ii).
re-enacted

- 14.**—(1) Subclause ii of clause *c* of subsection 1 of section 127, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 10, is repealed and the following substituted therefor:

- (ii) cash on deposit with any corporation doing the business of a savings bank and amounts due by a corporation with its head office outside Canada to a related corporation that is taxable under this Part are deemed not to be loans and advances to other corporations.

s. 127 (2) (*d*).
re-enacted

- (2) Clause *d* of subsection 2 of the said section 127, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 10, is repealed and the following substituted therefor:

- (*d*) by which the value of an asset of a corporation has been written down and deducted from its income or undivided profits where such amount is deductible under the provisions of Part II except,

- (i) paragraph *n* of subsection 1 of section 20 of the *Income Tax Act* (Canada) as that para-

graph applies by virtue of subsections 1 and 8 of section 14 of this Act,

- (ii) subparagraph iii of paragraph *a* of subsection 1 of section 40 of the *Income Tax Act* ^{R.S.C. 1952, c. 148} (Canada) as that subparagraph applies by virtue of subsection 1 of section 15 of this Act, and

- (iii) subsection 1 of section 18.

15. Section 128 of the said Act, as amended by the Statutes of ^{s. 128, amended} Ontario, 1973, chapter 42, section 13 and 1977, chapter 58, section 11, is further amended by adding thereto the following subsection:

(3) For the purpose of subsection 1, the paid-up capital of the corporate partners of a partnership shall, with respect to their interests in the partnership, be determined in accordance with the rules provided in clauses *a*, *b*, *c* and *d* of subsection 4 of section 126. ^{Determination of paid-up capital}

16. Section 131, as re-enacted by the Statutes of Ontario, 1977, ^{ss. 131, 132, re-enacted} chapter 16, section 4 and amended by 1977, chapter 58, section 26 and 1978, chapter 14, section 14, and section 132, as re-enacted by the Statutes of Ontario, 1977, chapter 16, section 4 and amended by 1977, chapter 58, section 26 and 1978, chapter 14, section 15, of the said Act are repealed and the following substituted therefor:

131.—(1) Except as provided in subsections 2 and 3, the tax payable under this Part by a corporation for a taxation year calculated upon its taxable paid-up capital or taxable paid-up capital employed in Canada, as the case may be, in this subsection referred to as the "amount taxable", is three-tenths of 1 per cent of the amount taxable. ^{Rate of capital tax}

(2) The tax payable under this Part by a bank for a taxation year calculated upon its taxable paid-up capital, in this subsection referred to as the "amount taxable" is four-fifths of 1 per cent of the amount taxable. ^{Rate of capital tax on banks}

(3) The tax payable under this Part by a corporation registered under *The Loan and Trust Corporations Act* for a taxation year calculated upon its taxable paid-up capital, in this subsection referred to as the "amount taxable" is three-fifths of 1 per cent of the amount taxable. ^{Rate of tax on loan and trust corporations}

132.—(1) Except as provided in subsections 2 and 3, there may be deducted from the tax otherwise payable under ^{Deduction from tax on paid-up capital}

this Part by a corporation for a taxation year an amount equal to three-tenths of 1 per cent of that portion of the taxable paid-up capital or taxable paid-up capital employed in Canada, as the case may be, that is deemed to be used by the corporation in the taxation year in each jurisdiction outside Ontario determined under rules prescribed by the regulations.

Idem

(2) There may be deducted from the tax otherwise payable under this Part by a bank for a taxation year an amount equal to four-fifths of 1 per cent of that portion of its taxable paid-up capital that is deemed to be used by the bank in the taxation year in each jurisdiction outside Ontario determined under rules prescribed by the regulations.

Idem

R.S.O. 1970,
c. 254

(3) There may be deducted from the tax otherwise payable under this Part by a corporation registered under *The Loan and Trust Corporations Act* for a taxation year an amount equal to three-fifths of 1 per cent of that portion of its taxable paid-up capital that is deemed to be used by the corporation registered under *The Loan and Trust Corporations Act* in the taxation year in each jurisdiction outside Ontario determined under rules prescribed by the regulations.

s. 133a,
re-enacted

17. Section 133a of the said Act, as enacted by the Statutes of Ontario, 1977, chapter 16, section 5 and amended by the Statutes of Ontario, 1977, chapter 58, section 26, is repealed and the following substituted therefor:

Flat rate
tax

133a.—(1) Notwithstanding subsection 1 of section 131 and subsection 1 of section 132, and except as provided in subsections 1 and 2 of section 135, the tax payable by a corporation under this Part for a taxation year shall be,

(a) \$50, where its taxable paid-up capital or taxable paid-up capital employed in Canada, as the case may be, does not exceed \$100,000;

(b) the lesser of,

(i) the tax that would otherwise be payable under this Part if subsection 1 of section 131 and subsection 1 of section 132 were applicable, and

(ii) \$100,

where its taxable paid-up capital or taxable paid-up capital employed in Canada, as the case may be, exceeds \$100,000 but does not exceed \$200,000; or

(c) the lesser of,

(i) the tax that would otherwise be payable under this Part if subsection 1 of section 131 and subsection 1 of section 132 were applicable, and

(ii) \$100,

where its taxable paid-up capital or taxable paid-up capital employed in Canada, as the case may be, exceeds \$200,000 but does not exceed \$1,000,000 and the corporation has no taxable income for the year or has a loss for the year as determined in accordance with subsection 3.

(2) Notwithstanding subsection 1 of section 131 and subsection 1 of section 132, and except as provided in subsections 1 and 2 of section 135, where the taxable paid-up capital or the taxable paid-up capital employed in Canada, as the case may be, of a corporation for a taxation year exceeds \$200,000, but does not exceed \$300,000, and where clause c of subsection 1 does not apply, the tax payable under this Part for a taxation year by the corporation shall be the lesser of,

Notch
provision

(a) the tax that would otherwise be payable under this Part if subsection 1 of section 131 and subsection 1 of section 132 were applicable; and

(b) the amount by which the tax that would otherwise be payable under this Part if no deduction were made under subsection 1 of section 132 exceeds $\frac{1}{2}$ of 1 per cent of the amount by which,

(i) \$300,000

exceeds

(ii) its taxable paid-up capital or taxable paid-up capital employed in Canada, as the case may be.

(3) For the purposes of clause c of subsection 1, a corporation has no taxable income for a taxation year or a loss for a taxation year if it has no income for the year or has

Interpre-
tation

a loss for the year after making the deductions permitted by Part II other than the deductions under,

- (a) clauses *a* and *d* of subsection 7 of section 14;
- (b) paragraphs *b* and *gg* of subsection 1 of section 20 of the *Income Tax Act* (Canada) as made applicable by section 14;
- (c) subsection 16 of section 20 of the *Income Tax Act* (Canada) as made applicable by section 14;
- (d) section 19; and
- (e) paragraphs *a*, *b* and *b.1* of subsection 1 of section 110 of the *Income Tax Act* (Canada) and sections 111, 112 and 113 of the *Income Tax Act* (Canada), all as made applicable by section 29.

R.S.C. 1952,
c. 148

s. 148*a*,
enacted

18. The said Act is further amended by adding thereto the following section:

Entertain-
ment
corporations

148*a*.—(1) This section applies where a corporation to which subsection 2 or 3 of section 2 is applicable is deemed by subsection 8 of section 7 to have maintained a permanent establishment in Ontario by virtue of it having produced or presented any form of entertainment by means of a performance in a public place in Ontario.

Withholding

(2) Any person that is about to make a payment to a corporation referred to in subsection 1 as consideration for the performance shall, notwithstanding any agreement or law to the contrary, deduct or withhold an amount equal to 5 per cent thereof and in the prescribed time and manner remit the amount deducted or withheld to the Treasurer of Ontario on behalf of the corporation on account of the taxes payable by the corporation under this Act.

Idem

(3) Where an amount has been paid to an agent or other person for or on behalf of a corporation referred to in subsection 1 as consideration for the performance without an amount having been deducted or withheld as required under subsection 2, the agent or other person shall, notwithstanding any agreement or law to the contrary, deduct or withhold from such payment an amount equal to 5 per cent thereof and in the prescribed time and manner remit the amount deducted or withheld to the Treasurer of Ontario on behalf of the corporation on account of the taxes payable by the corporation under this Act.

(4) Any person who,

Liability
for tax

- (a) has failed to deduct or withhold any amount as required by this section with respect to a corporation referred to in subsection 1; or
- (b) having deducted or withheld an amount as required by this section, has failed to remit such amount to the Treasurer of Ontario as required by this section,

is liable when assessed therefor to pay on account of the taxes payable by the corporation under this Act the whole of the amount that should have been deducted or withheld or remitted, as the case may be, together with interest thereon, from the date that the amount was required to be remitted to the date of payment at the rate prescribed for the purposes of subsection 1 of section 149, and such person is entitled to deduct or withhold from any amount payable by him to the corporation or otherwise recover from the corporation any amount paid by him on account of tax under this section on behalf thereof.

(5) Divisions C, D, E and F of this Part, and Part VI except section 167, apply *mutatis mutandis* to an assessment under this section.

Application
of this Part
and Part VI

(6) No action lies against any person for deducting or withholding any sum of money in compliance or intended compliance with this section.

No action for
compliance

(7) The receipt of the Minister for an amount remitted by a person as required by this section is a good and sufficient discharge of the liability of such person to the corporation on behalf of which the amount was remitted to the extent of the amount referred to in the receipt.

Minister's
receipt

(8) Where a person on whose behalf an amount has been remitted to the Treasurer of Ontario after having been deducted or withheld under this section was not liable to pay any tax under this Act, the Minister shall, upon application in writing made within two years from the end of the calendar year in which the amount was remitted, pay to him the amount so remitted, unless he is otherwise liable or about to become liable to make a payment under this Act, in which case the Minister may apply the amount otherwise payable under this subsection to that payment and notify him of that fact.

Application
for refund

(9) Every person who has failed to remit an amount deducted or withheld as required by this section is liable

Penalty

to pay, in addition to that amount, a penalty of 10 per cent of that amount or \$10, whichever is the greater.

s. 149 (5),
re-enacted

- 19.** Subsection 5 of section 149 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 14, section 19, is repealed and the following substituted therefor:

Interest on
unpaid part or
instalment of
tax

(5) For the purpose of calculating interest under subsection 2, where a corporation is required to pay a part or instalment of tax for a taxation year pursuant to subsection 3 of section 148, the corporation shall be deemed to have been liable to pay the part or instalment determined,

(a) on the basis of the tax payable for the taxation year;

(b) under sub-subclause B of subclause i of clause *a* of subsection 3 of section 148; or

(c) subclause ii of clause *a* of subsection 3 of section 148,

whichever method gives the least amount required to be paid.

s. 150 (4) (a),
amended

- 20.** Clause *a* of subsection 4 of section 150 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 58, sections 18 and 26, is further amended by adding thereto the following subclause:

(iva) has filed with the Minister of National Revenue for Canada a waiver within the time and in the form required by subsection 4 of section 152 of the *Income Tax Act* (Canada), or

R.S.C. 1952,
c. 148

s. 156,
re-enacted

- 21.** Section 156 of the said Act is repealed and the following substituted therefor:

Reply to
notice of
appeal

156. The Minister shall with all due dispatch serve on the corporation appealing and file in the Court a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and all statutory provisions and reasons as he intends to rely on, and where the Minister has failed to serve the reply within 180 days from the date of service upon him of the notice of appeal, the corporation may, upon twenty-one days notice to the Minister, apply to a judge of the Supreme Court for an order requiring the reply to be served within such time as the judge shall order, and the judge may, if he

considers it proper in the circumstances, also order that, upon failure by the Minister to serve the reply in the time specified in the order, the assessment or part thereof, as the case may be, with respect to which the appeal is taken shall be vacated and any tax paid pursuant to such assessment or part thereof, as the case may be, shall be repaid to the corporation, but nothing in this section revives an appeal that is void or affects an assessment that has become valid and binding under subsection 7 of section 150.

22.—(1) Section 1 and subsection 2 of section 9 shall be deemed to have come into force on the 1st day of January, 1978 and apply to corporations in respect of all taxation years ending after 1977. Commence-
ment and
Application

(2) Subsection 1 of section 2, sections 7 and 8, subsection 1 of section 9, sections 10 and 11, subsections 2 and 4 of section 41 of the said Act, as re-enacted by section 12 of this Act, and sections 16 and 17 shall be deemed to have come into force on the 11th day of April, 1979 and apply to corporations in respect of all taxation years ending after the 10th day of April, 1979, except that with respect to the taxation year ending after the 10th day of April, 1979 and that includes that day, the following rules apply: Idem

- (a) determine the amount of tax payable under Parts II and III of the said Act as those Parts stood on the 10th day of April, 1979 on the assumption that those Parts as they so stood were applicable to that taxation year;
- (b) determine the proportion of the amount determined under clause *a* that the number of days of that taxation year prior to the 11th day of April, 1979 bears to the total number of days of that taxation year;
- (c) determine the amount of tax payable under Parts II and III of the said Act, as amended by subsection 1 of section 2, sections 7 and 8, subsection 1 of section 9 and sections 10, 11, 12, 16 and 17 of this Act, on the assumption that those Parts as so amended were applicable for that taxation year;
- (d) determine the proportion of the amount determined under clause *c* that the number of days of that taxation year that follow the 10th day of April, 1979 bears to the total number of days of that taxation year;

- (e) determine the aggregate of the amounts determined under clauses *b* and *d* in respect of the corporation,

and the aggregate determined under clause *e* is the amount payable by the corporation under Parts II and III of the said Act, as amended by subsection 1 of section 2, sections 7 and 8, subsection 1 of section 9, and sections 10, 11, 12, 16 and 17 of this Act, for its taxation year that ends after the 10th day of April, 1979 and that includes that day.

Idem

- (3) Subsection 2 of section 2, section 3, subsection 2 of section 4, and sections 5 and 6 shall come into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

- (4) Subsection 1 of section 4 shall be deemed to have come into force on the 8th day of December, 1977 and applies to corporations in respect of all taxation years ending after the 7th day of December, 1977.

Idem

- (5) Subsection 5 of section 41 of the said Act, as re-enacted by section 12 of this Act, shall be deemed to have come into force on the 11th day of April, 1979 and applies to corporations in respect of all taxation years ending after the 10th day of April, 1979, except that for the purpose of a computation under paragraph *d* of subsection 6 of section 131 of the *Income Tax Act* (Canada) as made applicable by the said subsection 5 that is made at any time after the 10th day of April, 1979, the percentage referred to in the said subsection 5 shall, with respect to a taxation year,

R.S.C. 1952,
c. 148

- (a) that ends after the 7th day of March, 1978 and before the 11th day of April, 1979, be deemed to be "13 per cent"; and

- (b) that ends before the 8th day of March, 1978, be deemed to be "12 per cent".

Idem

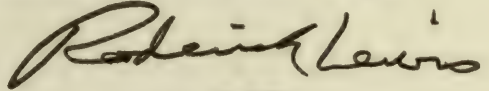
- (6) Sections 13, 14 and 15 shall be deemed to have come into force on the 11th day of April, 1979 and apply to corporations in respect of all taxation years ending after the 10th day of April, 1979.

Idem

- (7) Section 18 shall come into force on the day this Act receives Royal Assent and applies to performances given on or after that date.

- (8) Section 19 shall be deemed to have come into force on ^{Idem} the 1st day of July, 1978 and applies to corporations in respect of all taxation years commencing on or after that date.
- (9) Section 20 shall come into force on the day this Act ^{Idem} receives Royal Assent and applies to waivers filed on or after that date.
- (10) Section 21 shall be deemed to have come into force on ^{Idem} the 11th day of April, 1979 and applies to appeals instituted on or after that date.
23. The short title of this Act is *The Corporations Tax Amendment Act, 1979*. ^{Short title}

ASSENTED TO BY LIEUTENANT-GOVERNOR MAY 18 1979



CLERK
LEGISLATIVE ASSEMBLY

The undersigned, James M. Smith, of the County of Jefferson, State of Missouri, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears from the records of the County of Jefferson, State of Missouri.

Witness my hand and seal of office this 24th day of April, 1901.



James M. Smith
County Clerk, Jefferson County, Missouri

Attest my hand and seal of office this 24th day of April, 1901.

James M. Smith
County Clerk, Jefferson County, Missouri

An Act to amend
The Corporations Tax Act, 1972

1st Reading

April 10th, 1979

2nd Reading

May 8th, 1979

3rd Reading

May 8th, 1979

THE HON. L. MAECK
Minister of Revenue

BILL 71

1979

An Act to amend The Ontario Heritage Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 22 of *The Ontario Heritage Act, 1974*, being chapter 122, ^{s. 22, amended} is amended by adding thereto the following subsection:

(4) Where there is a conflict between the provisions of an ^{Conflict} easement or covenant entered into by the Foundation and any provision of section 33 or 34, the provisions of the easement or covenant shall prevail.

- 2.—(1) Section 37 of the said Act is amended by renumbering ^{s. 37, amended} subsections 1, 2 and 3 as subsections 2, 3 and 4 and by adding thereto the following subsection:

(1) Notwithstanding the provisions of subsection 1 of ^{Easements} section 36, the council of a municipality after consultation with its local advisory committee, where one is established, may pass by-laws providing for the entering into of easements or covenants with owners of real property, or interests therein, for the conservation of buildings of historic or architectural value or interest.

- (2) Subsection 2 of the said section 37, as renumbered, is ^{s. 37 (2), amended} amended by striking out "where the property is designated under this Part" in the third and fourth lines.

- (3) Subsection 3 of the said section 37, as renumbered, is ^{s. 37 (3), amended} amended by striking out "subsection 1" in the second line and inserting in lieu thereof "subsection 2".

- (4) Subsection 4 of the said section 37, as renumbered, is ^{s. 37 (4), amended} amended by striking out "subsection 1" in the second line and inserting in lieu thereof "subsection 2".

- (5) The said section 37 is further amended by adding thereto ^{s. 37, amended} the following subsection:

Conflict

(5) Where there is a conflict between the provisions of an easement or covenant entered into by a council of a municipality under subsection 1 and any provision of section 33 or 34, the provisions of the easement or covenant shall prevail.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is *The Ontario Heritage Amendment Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 4, 1979

Rodriguez

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Ontario Heritage Act, 1974

1st Reading

April 26th, 1979

2nd Reading

May 31st, 1979

3rd Reading

May 31st, 1979

THE HON. R. BAETZ
Minister of Culture and Recreation

Pauline L. L. S. H.

BILL 72

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Theatres Act

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 72

1979

An Act to amend The Theatres Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k* of section 1 of *The Theatres Act*, being chapter 459 of the Revised Statutes of Ontario, 1970, is repealed. s. 1 (*k*),
repealed
2. Section 13 of the said Act is repealed. s. 13,
repealed
3. Section 31 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 82, is repealed. s. 31,
repealed
4. Section 44 of the said Act is repealed. s. 44,
repealed
5. Subsection 3 of section 55 of the said Act is repealed. s. 55 (3),
repealed
6. Paragraphs 19, 21 and 26 of subsection 1 of section 60 of the said Act are repealed and the following substituted therefor: s. 60 (1)
pars. 19, 21, 26,
re-enacted
 19. providing for the issue, expiry, renewal and transfer of theatre licences or film exchange licences or any class thereof and prescribing the fees therefor;
 -
 21. providing for the issue, expiry and renewal of projectionist licences or any class thereof and prescribing the fees therefor;
 -
 26. providing for the issue, expiry and renewal of licences to operate projectors designed for the use of film 16 millimetres in width and prescribing the fees therefor.

Commence-
ment

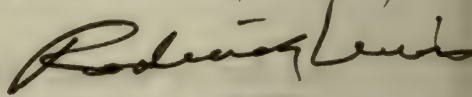
7. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

8. The short title of this Act is *The Theatres Amendment Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

MAY 18, 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Theatres Act

1st Reading

May 3rd, 1979

2nd Reading

May 17th, 1979

3rd Reading

May 17th, 1979

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

1001. in by. by. S. Hon

BILL 73

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Prearranged Funeral Services Act**

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 73

1979

An Act to amend The Prearranged Funeral Services Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 1 and 2 of *The Prearranged Funeral Services Act*, ss. 1, 2, being chapter 358 of the Revised Statutes of Ontario, 1970, re-enacted are repealed and the following substituted therefor:

1. In this Act, "funeral services" means the services usually provided by a funeral director licensed under *The Funeral Services Act*, 1976 and the provision of funeral supplies and services to the public other than a cemetery plot. Interpre-
tation
1976, c. 83

2. Unless he is an insurer licensed under *The Insurance Act*, or a person licensed as a funeral director under *The Funeral Services Act*, 1976 and engaged in directing the operation of a funeral services establishment, no person shall agree or offer to agree, for a consideration that is fixed by the agreement, to furnish or make provision for funeral services upon the death of a person who is alive at the time the agreement or offer is made. Agreements
for
prearranged
funeral
services
R.S.O. 1970,
c. 224

2. Section 4 of the said Act is repealed and the following substituted therefor: s. 4.
re-enacted

4.—(1) Every person who receives money under an agreement referred to in section 2 shall receive and hold such money together with any interest accrued thereon in trust until the agreement has been fully performed by him or the agreement has been cancelled. Money in
trust

(2) Where an agreement referred to in subsection 1 is cancelled, the person holding money in trust under that agreement shall forthwith pay such money to the person entitled thereto. Idem

s. 5 (2),
re-enacted

3. Subsection 2 of section 5 of the said Act is repealed and the following substituted therefor:

Inspection
and misuse
of trust
money

(2) The Board of Funeral Services established under *The Funeral Services Act, 1976* shall cause the trust accounts to be inspected as required by the regulations, and any misuse of trust funds shall be deemed to be sufficient grounds for cancellation of a licence under *The Funeral Services Act, 1976*.

1976, c. 83

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is *The Prearranged Funeral Services Amendment Act, 1979*.

ASSSENTED TO BY LIEUTENANT-GOVERNOR

MAY 18, 1979

Frederick Lee

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Prearranged Funeral Services Act

1st Reading

May 3rd, 1979

2nd Reading

May 17th, 1979

3rd Reading

May 17th, 1979

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

Pauline L. L. L. L.
BILL 74

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to establish a Code of Procedure for
Provincial Offences**

THE HON. R. MCMURTRY
Attorney General

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 74

1979

An Act to establish a Code of Procedure for Provincial Offences

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1.—(1) In this Act,

Interpre-
tation

- (a) "certificate" means a certificate of offence issued under Part I or a certificate of parking infraction issued under Part II;
- (b) "court" means a provincial offences court or, where jurisdiction in respect of the offence is conferred upon a provincial court (family division) by any other Act, the provincial court (family division);
- (c) "judge" means a provincial judge;
- (d) "justice" means a provincial judge or a justice of the peace;
- (e) "offence" means an offence under an Act of the Legislature or under a regulation or by-law made under the authority of an Act of the Legislature;
- (f) "police officer" means a chief of police or other police officer or constable but does not include a special constable or by-law enforcement officer;
- (g) "prescribed" means prescribed by the rules of the provincial offences courts;
- (h) "prosecutor" means the Attorney General or, where the Attorney General does not intervene, means the person who issues a certificate or lays an information and includes counsel or agent acting on behalf of either of them;
- (i) "provincial offences officer" means a police officer or a person designated under subsection 2;

(j) "set fine" means the amount of fine set by the court for an offence for the purpose of proceedings commenced under Part I or II.

Designation
of pro-
vincial
offences
officers

(2) A minister of the Crown may designate in writing any person or class of persons as a provincial offences officer for the purposes of all or any class of offences.

Purpose of
Act

R.S.C. 1970,
c. C-34

2.—(1) The purpose of this Act is to replace the summary conviction procedure for the prosecution of provincial offences, including the provisions adopted by reference to the *Criminal Code* (Canada), with a new procedure that reflects the distinction between provincial offences and criminal offences.

Interpre-
tation

(2) Where, as an aid to the interpretation of provisions of this Act, recourse is had to the judicial interpretation of and practices under corresponding provisions of the *Criminal Code* (Canada), any variation in wording without change in substance shall not, in itself, be construed to intend a change of meaning.

PART I

COMMENCEMENT OF PROCEEDINGS BY CERTIFICATE OF OFFENCE

Certificate
of offence

3.—(1) In addition to the procedure set out in Part III for commencing a proceeding by laying an information, a proceeding in respect of an offence may be commenced by filing a certificate of offence alleging the offence in the office of the court named therein.

Issuance
and service

(2) A provincial offences officer who believes that one or more persons have committed an offence may issue, by completing and signing, a certificate of offence certifying that an offence has been committed and,

(a) an offence notice indicating the set fine for the offence;
or

(b) a summons,

in the form prescribed under section 13.

Service

(3) The offence notice or summons shall be served personally upon the person charged within thirty days after the alleged offence occurred.

Signature

(4) Upon the service of an offence notice or summons, the person charged shall be requested to sign the certificate of offence, but the failure or refusal to sign as requested does not invalidate the certificate of offence or the service of the offence notice or summons.

(5) Where service is made by the provincial offences officer who issued the certificate of offence, he shall certify on the certificate of offence that he personally served the offence notice or summons on the person charged and the date of service. Certificate of service

(6) Where service is made by a person other than the provincial offences officer who issued the certificate of offence, he shall complete an affidavit of service in the prescribed form. Affidavit of service

(7) A certificate of service of an offence notice or summons purporting to be signed by the provincial offences officer issuing it or an affidavit of service under subsection 6 shall be received in evidence and is proof of personal service in the absence of evidence to the contrary. Certificate as evidence

(8) The provincial offences officer who serves an offence notice or summons under this section shall not receive payment of any money in respect of a fine, or receive the offence notice for delivery to the court. Officer not to act as agent

4. A certificate of offence shall be filed in the office of the court named therein as soon as is practicable after service of the offence notice or summons. Filing of certificate of offence

5.—(1) Where an offence notice is served on a defendant, he may plead not guilty by signing the not guilty plea on the offence notice and indicate his desire in the form prescribed on the notice to appear or be represented at a trial and deliver the offence notice to the office of the court specified in the notice. Dispute with trial

(2) Where an offence notice is received under subsection 1, the clerk of the court shall, as soon as is practicable, give notice to the defendant and prosecutor of the time and place of the trial. Notice of trial

6.—(1) Where an offence notice is served on a defendant whose address as shown on the certificate of offence is outside the territorial jurisdiction of the court specified in the notice, and he wishes to dispute the charge but does not wish to attend or be represented at a trial, he may do so by signifying his intention on the offence notice and delivering the offence notice to the office of the court specified in the notice together with a written dispute setting out with reasonable particularity his dispute and any facts upon which he relies. Dispute without appearance

(2) Where an offence notice is delivered under subsection 1, a justice shall, in the absence of the defendant, consider the dispute and, Disposition

- (a) where the dispute raises an issue that may constitute a defence, direct a hearing; or
- (b) where the dispute does not raise an issue that may constitute a defence, convict the defendant and impose the set fine.

Hearing

(3) Where the justice directs a hearing under subsection 2, the court shall hold the hearing and shall, in the absence of the defendant, consider the evidence in the light of the issues raised in the dispute, and acquit the defendant or convict the defendant and impose the set fine or such lesser fine as is permitted by law.

Application of section

(4) This section applies in such part or parts of Ontario as are prescribed by the regulations.

Plea of guilty with representations

7.—(1) Where an offence notice is served on a defendant and he does not wish to dispute the charge but wishes to make submissions as to penalty, including the extension of time for payment, he may attend at the time and place specified in the notice and may appear before a justice sitting in court for the purpose of pleading guilty to the offence and making submissions as to penalty, and the justice may enter a conviction and impose the set fine or such lesser fine as is permitted by law.

Submissions under oath

(2) The justice may require submissions under subsection 1 to be made under oath, orally or by affidavit.

Payment out of court

8.—(1) Where an offence notice is served on a defendant and he does not wish to dispute the charge, he may sign the plea of guilty on the offence notice and deliver the offence notice and amount of the set fine to the office of the court specified in the notice.

Conviction

(2) Acceptance by the court office of payment under subsection 1 constitutes a plea of guilty whether or not the plea is signed and endorsement of payment on the certificate of offence constitutes the conviction and imposition of a fine in the amount of the set fine for the offence.

Failure to respond to offence notice

9. Where at least fifteen days have elapsed after the defendant was served with the offence notice and the offence notice has not been delivered in accordance with section 6 or 8 and a plea of guilty has not been accepted under section 7, the defendant shall be deemed to not wish to dispute the charge and a justice shall examine the certificate of offence and,

(a) where the certificate of offence is complete and regular on its face, he shall enter a conviction in the defendant's absence and without a hearing and impose the set fine for the offence; or

(b) where the certificate of offence is not complete and regular on its face, he shall quash the proceeding.

10. A signature affixed to the form of plea of guilty or not guilty on an offence notice, purporting to be that of the defendant, is *prima facie* proof that it is the signature of that person. Signature on plea

11.—(1) Where the defendant has not had an opportunity to dispute the charge or to appear or be represented at a hearing for the reason that through no fault of his own the delivery of a necessary notice or document failed to occur in fact, and where not more than fifteen days have elapsed since the conviction first came to the attention of the defendant, the defendant may attend at the court office during regular office hours and may appear before a justice and the justice, upon being satisfied by affidavit in the prescribed form of such facts, shall strike out the conviction, if any, and give the person appearing a notice of trial under section 5 or proceed under section 7. Reopening on failure of notice

(2) Where a conviction is struck out under subsection 1, the justice shall give the defendant a certificate of the fact in the prescribed form. Certificate of striking out conviction

12.—(1) Where the penalty prescribed for an offence includes a fine of more than \$300 or imprisonment and proceedings are taken under this Part, the provision for fine or imprisonment does not apply and in lieu thereof the offence is punishable by a fine of not more than the maximum fine prescribed for the offence or \$300, whichever is the lesser. Penalty

(2) Where a person is convicted of an offence in a proceeding initiated by an offence notice, Other consequences of conviction

(a) a provision in or under any other Act that provides for an action or result following upon a conviction of an offence does not apply to the conviction, except,

(i) for the purpose of carrying out the sentence imposed,

R.S.O. 1970,
c. 202

(ii) for the purpose of recording and proving the conviction,

(iii) for the purposes of the demerit point system under *The Highway Traffic Act*, and

(iv) for the purposes of section 27 of *The Highway Traffic Act*; and

(b) any thing seized in connection with the offence after the service of the offence notice is not liable to forfeiture.

Regulations

13.—(1) The Lieutenant Governor in Council may make regulations,

(a) prescribing the form of certificates of offence, offence notices and summonses and such other forms as are considered necessary under this Part;

(b) authorizing the use in a form prescribed under clause *a* of any word or expression to designate an offence;

(c) respecting any matter that is considered necessary to provide for the use of the forms under this Part.

Sufficiency
of
abbreviated
wording

(2) The use on a form prescribed under clause *a* of subsection 1 of any word or expression authorized by the regulations to designate an offence is sufficient for all purposes to describe the offence designated by such word or expression.

Idem

(3) Where the regulations do not authorize the use of a word or expression to describe an offence in a form prescribed under clause *a* of subsection 1, the offence may be described in accordance with section 26.

PART II

COMMENCEMENT OF PROCEEDINGS FOR PARKING INFRACOCTIONS

Interpretation

14. In this Part, "parking infraction" means any unlawful parking, standing or stopping of a vehicle that constitutes an offence.

Date
applicable
to infractions
under
municipal
by-laws

15.—(1) Subject to subsection 2, this Part does not apply in respect of parking infractions under by-laws of municipalities until a date two years after this Part comes into force.

(2) Subject to the approval of the Lieutenant Governor in ^{Idem} Council, the council of a municipality, including a regional, district or metropolitan municipality, may by by-law declare that this Part applies in respect of parking infractions under by-laws in the municipality on a date earlier than the date determined under subsection 1.

16.—(1) In addition to the procedure set out in Part III ^{Certificate of parking infraction and notice} for commencing a proceeding by laying an information, a proceeding in respect of a parking infraction may be commenced by filing a certificate of the parking infraction in the office of the court named therein, within thirty days after the alleged offence occurred.

(2) A provincial offences officer who believes from his ^{Issuance and notice} personal knowledge that one or more persons have committed a parking infraction may issue, by completing and signing,

- (a) a certificate of parking infraction certifying that a parking infraction has been committed; and
- (b) a parking infraction notice indicating the set fine for the infraction,

in the form prescribed under section 21.

(3) The issuing provincial offences officer may serve the ^{Service of notice on owner} parking infraction notice on the owner of the vehicle identified therein by affixing it to the vehicle in a conspicuous place at the time of the alleged infraction, or delivering it personally to the person having care and control of the vehicle at the time of the alleged infraction.

17.—(1) Where a parking infraction notice is served, the ^{Dispute with trial} defendant may plead not guilty by signing the not guilty plea on the notice and indicate his desire in the form prescribed on the notice to appear or be represented at a trial and deliver it to the place specified in the notice.

(2) Where a parking infraction notice is received under ^{Notice of trial} subsection 1, the clerk of the court shall, as soon as is practicable, give notice to the defendant and prosecutor of the time and place of the trial.

18. Where the defendant does not wish to dispute the ^{Payment out of court} charge, he may deliver the notice and amount of the set fine to the place shown on the notice.

19.—(1) Where at least fifteen days have elapsed after the defendant was served with the parking infraction notice and the parking infraction notice has not been delivered in ^{Failure to respond to parking infraction notice}

accordance with subsection 1 of section 17, the defendant shall be deemed to not wish to dispute the charge and a justice shall examine the certificate of parking infraction and where the justice is satisfied,

- (a) that the certificate of parking infraction is complete and regular on its face;
- (b) where the defendant is liable as owner, that he is the owner; and
- (c) that payment has not been made under section 18,

the justice shall enter a conviction in the defendant's absence and without a hearing and impose the set fine for the offence.

Quashing
proceeding

(2) Where the justice is not able to enter a conviction under subsection 1, he shall quash the proceeding.

Notice of
fine

(3) The clerk of the court shall give notice to the person against whom a conviction is entered under subsection 1 of the date and place of the infraction, the date of the conviction and the amount of the fine, and the fine or any part of the fine not paid within fifteen days after the giving of the notice shall be deemed to be in default.

Reopening
on failure
of notice

20. Where the defendant has not had an opportunity to dispute the charge or appear or be represented at a hearing for the reason that, through no fault of his own, the delivery of a necessary notice or document failed to occur in fact, and where not more than fifteen days have elapsed since the conviction first came to the attention of the defendant, the defendant may attend at the court office during regular office hours and may appear before a justice and the justice, upon being satisfied by affidavit in the prescribed form of such facts, shall strike out the conviction, if any, and give the person appearing a notice of trial under subsection 2 of section 17 or accept a plea of guilty under section 18.

Regula-
tions

21.—(1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the form of certificates of parking infractions and parking infraction notices and such other forms as are considered necessary under this Part;
- (b) authorizing the use in a form prescribed under clause a of any word or expression to designate a parking infraction;

- (c) respecting any matter that is considered necessary to provide for the use of the forms under this Part.

(2) The use on a form prescribed under clause *a* of subsection 1 of any word or expression authorized by the regulations to designate a parking infraction is sufficient for all purposes to describe the infraction designated by such word or expression. Sufficiency of abbreviations

(3) Where the regulations do not authorize the use of a word or expression to describe a parking infraction in a form prescribed under clause *a* of subsection 1, the offence may be described in accordance with section 26. Idem

PART III

COMMENCEMENT OF PROCEEDING BY INFORMATION

22.—(1) In addition to the procedure set out in Parts I and II for commencing a proceeding by the filing of a certificate, a proceeding in respect of an offence may be commenced by laying an information. Commencement of proceeding by information

(2) Where a summons or offence notice has been served under Part I, no proceeding shall be commenced under subsection 1 in respect of the same offence except with the consent of the Attorney General or his agent. Exception

23. Where a provincial offences officer believes, on reasonable and probable grounds, that an offence has been committed by a person whom he finds at or near the place where the offence was committed, he may, before laying an information, serve the person with a summons in the prescribed form. Summons before information laid

24.—(1) Any person who, on reasonable and probable grounds, believes that one or more persons have committed an offence, may lay an information in the prescribed form and under oath before a justice alleging the offence and the justice shall receive the information. Information

(2) An information may be laid anywhere in Ontario. Idem

25.—(1) A justice who receives an information laid under section 24 shall consider the information and, where he considers it desirable to do so, hear and consider *ex parte* the allegations of the informant and the evidence of witnesses and, Procedure on laying of information

- (a) where he considers that a case for so doing is made out,

(i) confirm the summons served under section 23, if any,

(ii) issue a summons in the prescribed form, or

(iii) where the arrest is authorized by statute and where the allegations of the informant or the evidence satisfy the justice on reasonable and probable grounds that it is necessary in the public interest to do so, issue a warrant for the arrest of the defendant; or

(b) where he considers that a case for issuing process is not made out,

(i) so endorse the information, and

(ii) where a summons was served under section 23, cancel it and cause the defendant to be so notified.

Summons or
warrants
in blank

(2) A justice shall not sign a summons or warrant in blank.

Counts

26.—(1) Each offence charged in an information shall be set out in a separate count.

Allegation
of
offence

(2) Each count in an information shall in general apply to a single transaction and shall contain and is sufficient if it contains in substance a statement that the defendant committed an offence therein specified.

Reference
to
statutory
provision

(3) Where in a count an offence is identified but the count fails to set out one or more of the essential elements of the offence, a reference to the provision creating or defining the offence shall be deemed to incorporate all the essential elements of the offence.

Idem

(4) The statement referred to in subsection 2 may be,

(a) in popular language without technical averments or allegations of matters that are not essential to be proved;

(b) in the words of the enactment that describes the offence; or

(c) in words that are sufficient to give to the defendant notice of the offence with which he is charged.

(5) Any number of counts for any number of offences may be joined in the same information. More than one count

(6) A count shall contain sufficient detail of the circumstances of the alleged offence to give to the defendant reasonable information with respect to the act or omission to be proved against him and to identify the transaction referred to. Particulars of count

(7) No count in an information is insufficient by reason of the absence of details where, in the opinion of the court, the count otherwise fulfils the requirements of this section and, without restricting the generality of the foregoing, no count in an information is insufficient by reason only that, Sufficiency

- (a) it does not name the person affected by the offence or intended or attempted to be affected;
- (b) it does not name the person who owns or has a special property or interest in property mentioned in the count;
- (c) it charges an intent in relation to another person without naming or describing the other person;
- (d) it does not set out any writing that is the subject of the charge;
- (e) it does not set out the words used where words that are alleged to have been used are the subject of the charge;
- (f) it does not specify the means by which the alleged offence was committed;
- (g) it does not name or describe with precision any person, place or thing; or
- (h) it does not, where the consent of a person, official or authority is required before proceedings may be instituted for an offence, state that the consent has been obtained.

(8) A count is not objectionable for the reason only that, Idem

- (a) it charges in the alternative several different matters, acts or omissions that are stated in the alternative in an enactment that describes as an offence the matters, acts or omissions charged in the count; or

(b) it is double or multifarious.

Need to
negative
exception,
etc.

(9) No exception, exemption, proviso, excuse or qualification prescribed by law is required to be set out or negated, as the case may be, in an information.

Summons

27.—(1) A summons issued under section 23 or 25 shall,

- (a) be directed to the defendant;
- (b) set out briefly the offence in respect of which the defendant is charged; and
- (c) require the defendant to attend court at a time and place stated therein and to attend thereafter as required by the court in order to be dealt with according to law.

Service

(2) A summons shall be served by a provincial offences officer by delivering it personally to the person to whom it is directed or if that person cannot conveniently be found, by leaving it for him at his last known or usual place of abode with an inmate thereof who appears to be at least sixteen years of age.

Service
outside
Ontario

(3) Notwithstanding subsection 2, where the person to whom a summons is directed does not reside in Ontario, the summons shall be deemed to have been duly served seven days after it has been sent by registered mail to his last-known or usual place of abode.

Service
on
corporation

(4) Service of a summons on a corporation may be effected by delivering the summons personally,

- (a) in the case of a municipal corporation, to the mayor, warden, reeve or other chief officer of the corporation or to the clerk of the corporation; or
- (b) in the case of any other corporation, to the manager, secretary or other executive officer of the corporation or person apparently in charge of a branch office thereof,

or by mailing the summons by registered mail to the corporation at an address held out by the corporation to be its address, in which case the summons shall be deemed to have been duly served seven days after the day of mailing.

Substi-
tutional
service

(5) A justice, upon application and upon being satisfied that service can not be made effectively on a corporation

in accordance with subsection 4, may by order authorize another method of service that has a reasonable likelihood of coming to the attention of the corporation.

(6) Service of a summons may be proved by statement under oath, written or oral, of the person who made the service. Proof of service

28.—(1) A warrant issued under section 25 shall, Contents of warrant

- (a) name or describe the defendant;
- (b) set out briefly the offence in respect of which the defendant is charged; and
- (c) order that the defendant be forthwith arrested and brought before a justice to be dealt with according to law.

(2) A warrant issued under section 25 remains in force until it is executed and need not be made returnable at any particular time. Idem

PART IV

TRIAL AND SENTENCING

Trial

29. This Part applies to proceedings commenced under this Act. Application of Part

30.—(1) Subject to subsection 2, a proceeding in respect of an offence shall be heard and determined in the provincial offences court in whose territorial jurisdiction the offence occurred. Proper court

(2) A proceeding in respect of an offence may be heard and determined in the provincial offences court having territorial jurisdiction that adjoins that in which the offence occurred if, Idem

- (a) the court holds sittings in a place reasonably proximate to the place where the offence occurred; and
- (b) the court and place of sitting referred to in clause a are named in the summons or offence notice.

(3) Where a proceeding is taken in a court other than one referred to in subsection 1 or 2, the court shall order that the proceeding be transferred to the proper court and may where the defendant appears award costs under section 61. Transfer to proper court

Change of
venue

(4) Where, upon the application of a defendant or prosecutor made to the court named in the information or certificate, it appears to the court that,

(a) it would be appropriate in the interests of justice to do so; or

(b) both the defendant and prosecutor consent thereto,

the court may order that the proceeding be transferred to another court in Ontario.

Conditions

(5) The court may, in an order made upon an application by the prosecutor under subsection 3 or 4, prescribe conditions that it thinks proper with respect to the payment of additional expenses caused to the defendant as a result of the change of venue.

Time of
order for
change of
venue

(6) An order under subsection 3 or 4 may be made notwithstanding that any motion preliminary to trial has been disposed of or that the plea has been taken and it may be made at any time before evidence has been heard.

Preliminary
motions

(7) The court to which proceedings are transferred under this section may receive and determine any motion preliminary to trial notwithstanding that the same matter was determined by the court from which the proceeding was transferred.

Delivery of
papers

(8) Where an order is made under subsection 3 or 4, the clerk of the court in which the trial was to be held before the order was made shall deliver any material in his possession in connection with the proceedings forthwith to the clerk of the court before which the trial is ordered to be held, and all proceedings in the case shall be held or, if previously commenced, shall be continued in that court.

Justice
presiding
at trial

31.—(1) The justice presiding when evidence is first taken at the trial shall preside over the whole of the trial.

When
presiding
justice
unable to
act before
adjudica-
tion

(2) Where evidence has been taken at a trial and, before making his adjudication, the presiding justice dies or in his opinion or the opinion of the chief judge of the provincial offences courts is for any reason unable to continue, another justice shall conduct the hearing again as a new trial.

When
presiding
justice
unable to
act after
adjudica-
tion

(3) Where evidence has been taken at a trial and, after making his adjudication but before making his order or imposing sentence, the presiding justice dies or in his opinion or the opinion of the chief judge of the provincial offences

courts is for any reason unable to continue, another justice may make the order or impose the sentence that is authorized by law.

(4) A justice presiding at a trial may, at any stage of the trial and upon the consent of the prosecutor and defendant, order that the trial be conducted by another justice and, upon the order being given, subsection 2 applies as if the justice were unable to act. Consent to change presiding justice

32. The court retains jurisdiction over the information or certificate notwithstanding the failure of the court to exercise its jurisdiction at any particular time or that the provisions of this Act respecting adjournments are not complied with. Retention of jurisdiction

33.—(1) In addition to his right to withdraw a charge, the Attorney General or his agent may stay any proceeding at any time before judgment by direction in court to the clerk of the court in which the proceedings are conducted and thereupon any recognizance relating to the proceeding is vacated. Stay of proceeding

(2) A proceeding stayed under subsection 1 may be recommenced by direction of the Attorney General, the Deputy Attorney General or a Crown attorney to the clerk of the court in which the proceeding was stayed but a proceeding that is stayed shall not be recommenced, Recommencement

(a) later than one year after the stay; or

(b) after the expiration of any limitation period applicable, which shall run as if the proceeding had not been commenced until the recommencement,

whichever is the earlier.

34.—(1) A defendant may at any stage of the proceeding apply to the court to amend or to divide a count that, Dividing counts

(a) charges in the alternative different matters, acts or omissions that are stated in the alternative in the enactment that creates or describes the offence; or

(b) is double or multifarious,

on the ground that, as framed, it prejudices him in his defence.

Idem

(2) Upon an application under subsection 2, where the court is satisfied that the ends of justice so require, it may order that a count be amended or divided into two or more counts, and thereupon a formal commencement may be inserted before each of the counts into which it is divided.

Amendment
of
information
or certificate

35.—(1) The court may, at any stage of the proceeding, amend the information or certificate as may be necessary if it appears that the information or certificate,

- (a) fails to state or states defectively anything that is requisite to charge the offence;
- (b) does not negative an exception that should be negated; or
- (c) is in any way defective in substance or in form.

Idem

(2) The court may, during the trial, amend the information or certificate as may be necessary if the matters to be alleged in the proposed amendment are disclosed by the evidence taken at the trial.

Variances
between
charge and
evidence

(3) A variance between the information or certificate and the evidence taken on the trial is not material with respect to,

- (a) the time when the offence is alleged to have been committed, if it is proved that the information was laid or certificate issued within the prescribed period of limitation; or
- (b) the place where the subject-matter of the proceedings is alleged to have arisen, except in an issue as to the jurisdiction of the court.

Considera-
tions on
amendment

(4) The court shall, in considering whether or not an amendment should be made, consider,

- (a) the evidence taken on the trial, if any;
- (b) the circumstances of the case;
- (c) whether the defendant has been misled or prejudiced in his defence by a variance, error or omission; and
- (d) whether, having regard to the merits of the case, the proposed amendment can be made without injustice being done.

(5) The question whether an order to amend an information or certificate should be granted or refused is a question of law. Amendment, question of law

(6) An order to amend an information or certificate shall be endorsed on the information or certificate as part of the record and the trial shall proceed as if the information or certificate had been originally laid as amended. Endorsement of order to amend

36. The court may, before or during trial, if it is satisfied that it is necessary for a fair trial, order that a particular, further describing any matter relevant to the proceedings, be furnished to the defendant. Particulars

37.—(1) An objection to an information or certificate for a defect apparent on its face shall be taken by motion to quash the information or certificate before the defendant has pleaded, and thereafter only by leave of the court. Motion to quash information or certificate

(2) The court shall not quash an information or certificate unless an amendment or particulars under section 34, 35 or 36 would fail to satisfy the ends of justice. Grounds for quashing

38. Where the information or certificate is amended or particulars are ordered and an adjournment is necessary as a result thereof, the court may make an order under section 61 for costs resulting from the adjournment. Costs on amendment or particulars

39.—(1) The court may, before trial, where it is satisfied that the ends of justice so require, direct that separate counts, informations or certificates be tried together or that persons who are charged separately be tried together. Joinder of counts or defendants

(2) The court may, before or during the trial, where it is satisfied that the ends of justice so require, direct that separate counts, informations or certificates be tried separately or that persons who are charged jointly or being tried together be tried separately. Separate trials

40.—(1) Where a justice is satisfied that a person is able to give material evidence in a proceeding under this Act, the justice may issue a subpoena requiring the person to attend to give evidence and bring with him any writings or things referred to in the subpoena. Issuance of subpoena

(2) A subpoena shall be served and the service shall be proved in the same manner as a summons under section 27. Service

Attend-
ance

(3) A person who is served with a subpoena shall attend at the time and place stated in the subpoena to give evidence and, if required by the subpoena, shall bring with him any writing or other thing that he has in his possession or under his control relating to the subject-matter of the proceedings.

Remaining
in
attendance

(4) A person who is served with a subpoena shall remain in attendance during the hearing and the hearing as resumed after adjournment from time to time unless he is excused from attendance by the presiding justice.

Arrest of
witness

41.—(1) Where a judge is satisfied upon evidence under oath, that a person is able to give material evidence that is necessary in a proceeding under this Act and,

(a) will not attend if a subpoena is served; or

(b) attempts to serve a subpoena have been made and have failed because he is evading service,

the judge may issue a warrant in the prescribed form for the arrest of the person.

Idem

(2) Where a person who has been served with a subpoena to attend to give evidence in a proceeding does not attend or remain in attendance, the court may, if it is established,

(a) that the subpoena has been served; and

(b) that the person is able to give material evidence that is necessary,

issue or cause to be issued a warrant in the prescribed form for the arrest of the person.

Bringing
before
justice

(3) The police officer who arrests a person under a warrant issued under subsection 1 or 2 shall immediately take the person before a justice.

Release on
recogniz-
ance

(4) Unless the justice is satisfied that it is necessary to detain a person in custody to ensure his attendance to give evidence, the justice shall order the person released upon condition that he enter into a recognizance in such amount and with such sureties, if any, as are reasonably necessary to ensure his attendance.

Bringing
before
judge

(5) Where a proceeding under subsection 4 is before a justice of the peace and the person is not released, the justice of the peace shall cause the person to be brought before a judge within two days of his decision.

(6) Where the judge is satisfied that it is necessary to detain the person in custody to ensure his attendance to give evidence, the judge may order that the person be detained in custody to testify at the trial or to have his evidence taken by a commissioner under an order made under subsection 11.

Detention

(7) Where the judge does not make an order under subsection 6, he shall order that the person be released upon condition that he enter into a recognizance in such amount and with such sureties, if any, as are reasonably necessary to ensure his attendance.

Release on
recogniz-
ance

(8) A person who is ordered to be detained in custody under subsection 6 or is not released in fact under subsection 7 shall not be detained in custody for a period longer than ten days.

Maximum
imprison-
ment

(9) A judge, or the justice presiding at a trial, may at any time order the release of a person in custody under this section where he is satisfied that the detention is no longer justified.

Release
when no
longer
required

(10) Where a person who is bound by a recognizance to attend to give evidence in any proceeding does not attend or remain in attendance, the court before which the person is bound to attend may issue a warrant in the prescribed form for the arrest of that person and,

Arrest on
breach of
recogniz-
ance

(a) where he is brought directly before the court, subsections 6 and 7 apply; and

(b) where he is not brought directly before the court, subsections 3 to 7 apply.

(11) A judge or the justice presiding at the trial may order that the evidence of a person held in custody under this section be taken by a commissioner under section 44, which applies thereto in the same manner as to a witness who is unable to attend by reason of illness.

Commission
evidence of
witness in
custody

42.—(1) Where a person whose attendance is required in a court to stand trial or to give evidence is confined in a prison, and a judge is satisfied, upon evidence under oath orally or by affidavit, that his attendance is necessary to satisfy the ends of justice, the judge may issue an order in the prescribed form that the person be brought before the court before which his attendance is required, from day to day, as may be necessary.

Order for
person in
a prison
to attend

Idem

(2) An order under subsection 1 shall be addressed to the person who has custody of the prisoner and on receipt thereof that person shall,

- (a) deliver the prisoner to the police officer or other person who is named in the order to receive him; or
- (b) bring the prisoner before the court upon payment of his reasonable charges in respect thereof.

Idem

(3) An order made under subsection 1 shall direct the manner in which the person shall be kept in custody and returned to the prison from which he is brought.

Penalty for
failure to
attend

43.—(1) Every person who, being required by law to attend or remain in attendance at a hearing, fails without lawful excuse to attend or remain in attendance accordingly is guilty of an offence and on conviction is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than thirty days, or to both.

Proof of
failure to
attend

(2) In a proceeding under subsection 1, a certificate of the clerk or a justice of the court before which the defendant is alleged to have failed to attend stating that the defendant failed to attend is admissible in evidence as *prima facie* proof of the fact without proof of the signature or office of the person appearing to have signed the certificate.

Order for
evidence
by
commissioner

44.—(1) Upon the application of the defendant or prosecutor, a judge or, during trial, the court may by order appoint a commissioner to take the evidence of a witness who is out of Ontario or is not likely to be able to attend the trial by reason of illness or physical disability or for some other good and sufficient cause.

Admission
of
commission
evidence

(2) Evidence taken by a commissioner appointed under subsection 1 may be read in evidence in the proceeding if,

- (a) it is proved by oral evidence or by affidavit that the witness is unable to attend for a reason set out in subsection 1;
- (b) the transcript of the evidence is signed by the commissioner by or before whom it purports to have been taken; and
- (c) it is proved to the satisfaction of the court that reasonable notice of the time and place for taking the evidence was given to the other party, and the party had full opportunity to cross-examine the witness.

(3) An order under subsection 1 may make provision to enable the defendant to be present or represented by counsel or agent when the evidence is taken, but failure of the defendant to be present or to be represented by counsel or agent in accordance with the order does not prevent the reading of the evidence in the proceedings if the evidence has otherwise been taken in accordance with the order and with this section. Attendance of accused

(4) Except as otherwise provided by this section or by the rules, the practice and procedure in connection with the appointment of commissioners under this section, the taking of evidence by commissioners, the certifying and return thereof, and the use of the evidence in the proceedings shall, as far as possible, be the same as those that govern like matters in civil proceedings in the Supreme Court. Application of rules in civil cases

45.—(1) Where at any time before a defendant is sentenced a court has reason to believe, based on, Trial of issue as to capacity to conduct defence

(a) the evidence of a legally qualified medical practitioner or, with the consent of the parties, a written report of a legally qualified medical practitioner; or

(b) the conduct of the defendant in the courtroom,

that the defendant suffers from mental disorder, the court may,

(c) where the justice presiding is a judge, by order suspend the proceedings and direct the trial of the issue as to whether the defendant is, because of mental disorder, unable to conduct his defence; or

(d) where the justice presiding is a justice of the peace, refer the matter to a judge who may make an order referred to in clause c.

(2) For the purposes of subsection 1, the court may order the defendant to attend to be examined under subsection 5. Examination

(3) The trial of the issue shall be presided over by a judge and, Finding

(a) where he finds that the defendant is, because of mental disorder, unable to conduct his defence, he shall order that further proceeding on the charge be suspended;

(b) where he finds that the defendant is able to conduct his defence, he shall order that the suspended proceeding be continued.

Application
for
rehearing
as to
capacity

(4) At any time within one year after an order is made under subsection 3, either party may, upon seven days notice to the other, apply to a judge to rehear the trial of the issue and where upon the rehearing the judge finds that the defendant is able to conduct his defence, he may order that the suspended proceeding be continued.

Order for
examination

(5) For the purposes of subsection 1 or a hearing or rehearing under subsection 3 or 4, the court or judge may order the defendant to attend at such place or before such person and at or within such time as are specified in the order and submit to an examination for the purpose of determining whether the defendant is, because of mental disorder, unable to conduct his defence.

Idem

(6) Where the defendant fails or refuses to comply with an order under subsection 5 without reasonable excuse or where the person conducting the examination satisfies a judge that it is necessary to do so, the judge may by warrant direct that the defendant be taken into such custody as is necessary for the purpose of the examination and in any event for not longer than seven days and, where it is necessary to detain the defendant in a place, the place shall be, where practicable, a psychiatric facility.

Limitation
on
suspension
of
proceeding

(7) Where an order is made under subsection 3 and one year has elapsed and no further order is made under subsection 4, no further proceeding shall be taken in respect of the charge or any other charge arising out of the same circumstance.

Taking of
plea

46.—(1) After being informed of the substance of the information or certificate, the defendant shall be asked whether he pleads guilty or not guilty of the offence charged therein.

Conviction
on plea of
guilty

(2) Where the defendant pleads guilty, the court may accept the plea and convict him.

Refusal
to plead

(3) Where the defendant refuses to plead or does not answer directly, the court shall enter a plea of not guilty.

(4) Where the defendant pleads not guilty of the offence charged but guilty of any other offence, whether or not it is an included offence, the court may, with the consent of the prosecutor, accept such plea of guilty and accordingly amend the information or substitute the offence to which the defendant pleads guilty.

Plea of guilty to another offence

47.—(1) Subject to section 6, where the defendant pleads not guilty, the court shall hold the trial.

Trial on plea of not guilty

(2) The defendant is entitled to make his full answer and defence.

Right to defend

(3) The prosecutor or defendant, as the case may be, may examine and cross-examine witnesses.

Right to examine witnesses

(4) The court may receive and act upon any facts agreed upon by the defendant and prosecutor without proof or evidence.

Agreed facts

(5) Notwithstanding section 8 of *The Evidence Act*, the defendant is not a compellable witness for the prosecution.

Defendant not compellable
R.S.O. 1970, c. 151

48.—(1) The court may receive and consider evidence taken before the same justice on a different charge against the same defendant, with the consent of the parties.

Evidence taken on another charge

(2) Where a certificate as to the content of an official record is, by any Act, made admissible in evidence as *prima facie* proof, the court may, for the purpose of deciding whether the defendant is the person referred to in the certificate, receive and base its decision upon information it considers credible or trustworthy in the circumstances of each case.

Certificate as evidence

(3) The burden of proving that an authorization, exception, exemption or qualification prescribed by law operates in favour of the defendant is on the defendant, and the prosecutor is not required, except by way of rebuttal, to prove that the authorization, exception, exemption or qualification does not operate in favour of the defendant, whether or not it is set out in the information.

Burden of proving exception, etc.

49.—(1) The court may order that an exhibit be kept in such custody and place as, in the opinion of the court, is appropriate for its preservation.

Exhibits

Release of exhibits

(2) Where any thing is filed as an exhibit in a proceeding, the clerk may release the exhibit upon the consent of the parties at any time after the trial or, in the absence of consent, may return the exhibit to the party tendering it after the disposition of any appeal in the proceeding or, where an appeal is not taken, after the expiration of the time for appeal.

Adjournments

50.—(1) The court may, from time to time, adjourn a trial or hearing but, where the defendant is in custody, an adjournment shall not be for a period longer than eight days without the consent of the defendant.

Early resumption

(2) A trial or hearing that is adjourned for a period may be resumed before the expiration of the period with the consent of the defendant and the prosecutor.

Appearance by defendant

51.—(1) A defendant may appear and act personally or by counsel or agent.

Appearance by corporation

(2) A defendant that is a corporation shall appear and act by counsel or agent.

Exclusion of agents

(3) The court may bar any person from appearing as an agent who is not a barrister and solicitor entitled to practise in Ontario if the court finds that the person is not competent properly to represent or advise the person for whom he appears as agent or does not understand and comply with the duties and responsibilities of an agent.

Compelling attendance of defendant

52. Notwithstanding that a defendant appears by counsel or agent, the court may order the defendant to attend personally, and, where it appears to be necessary to do so, may issue a summons in the prescribed form.

Excluding defendant from hearing

53.—(1) The court may cause the defendant to be removed and to be kept out of court,

(a) when he misconducts himself by interrupting the proceedings so that to continue in his presence would not be feasible; or

(b) where, during the trial of an issue as to whether the defendant is, because of mental disorder, unable to conduct his defence, the court is satisfied that failure to do so might have an adverse effect on the mental health of the defendant.

(2) The court may exclude the public or any member of the public from a hearing where, in the opinion of the court, it is necessary to do so, Excluding public from hearing

- (a) for the maintenance of order in the courtroom;
- (b) to protect the reputation of a minor; or
- (c) to remove an influence that might affect the testimony of a witness.

(3) Where the court considers it necessary to do so to protect the reputation of a minor, the court may make an order prohibiting the publication or broadcast of the identity of the minor or of the evidence or any part of the evidence taken at the hearing. Prohibition of publication of evidence

54.—(1) Where the defendant appears for a hearing and the prosecutor, having had due notice, does not appear, the court may dismiss the charge or may adjourn the hearing to another time upon such terms as it considers proper. Failure of prosecutor to appear

(2) Where the prosecutor does not appear at the time and place appointed for the resumption of an adjourned hearing under subsection 1, the court may dismiss the charge. Idem

(3) Where a hearing is adjourned under subsection 1 or a charge is dismissed under subsection 2, the court may make an order under section 61 for the payment of costs. Costs

(4) Where a charge is dismissed under subsection 1 or 2, the court may, if requested by the defendant, draw up an order of dismissal stating the grounds therefor and shall give the defendant a certified copy of the order of dismissal which is, without further proof, a bar to any subsequent proceedings against the defendant in respect of the same cause. Written order of dismissal

55.—(1) Where a defendant does not appear at the time and place appointed for a hearing and it is proved by the prosecutor, having been given a reasonable opportunity to do so, that a summons was served, a notice of trial was given under Part I or II, an undertaking to appear was given or a recognizance to appear was entered into, as the case may be, or where the defendant does not appear upon the resumption of a hearing that has been adjourned, the court, Ex parte conviction

- (a) may proceed *ex parte* to hear and determine the proceedings in the absence of the defendant;

- (b) may, if it thinks fit, adjourn the hearing and issue a summons to appear or issue a warrant in the prescribed form for the arrest of the defendant; or
- (c) may, where the defendant does not appear in response to the summons or warrant on the date to which the hearing is adjourned, proceed under clause *a* or *b*.

Where
convicted
ex parte

(2) Where, the court proceeds under clause *a* of subsection 1, no proceeding arising out of the failure of the defendant to appear at the time and place appointed for the hearing or for the resumption of the hearing shall be instituted or if instituted shall be proceeded with, except with the consent of the Attorney General or his agent.

Included
offences

56. Where the commission of the offence charged includes the commission of another offence, the defendant may be convicted of an offence so included that is proved, notwithstanding that the whole offence charged is not proved.

Sentencing

Pre-sentence
report

57.—(1) Where a defendant is convicted of an offence in a proceeding commenced by information, the court may direct a probation officer to prepare and file with the court a report in writing relating to the defendant for the purpose of assisting the court in imposing sentence.

Service

(2) Where a report is filed with the court under subsection 1, the clerk of the court shall cause a copy of the report to be provided to the defendant or his counsel or agent and to the prosecutor.

Submissions
as to
sentence

58.—(1) Where a defendant who appears is convicted of an offence, the court shall give the prosecutor and the counsel or agent for the defendant an opportunity to make submissions as to sentence and, where the defendant has no counsel or agent, the court shall ask him if he has anything to say before sentence is passed upon him.

Omission
to comply

(2) The omission to comply with subsection 1 does not affect the validity of the proceeding.

Inquiries
by court

(3) Where a defendant is convicted of an offence, the court may make such inquiries, on oath or otherwise, of and concerning the defendant as it considers desirable, including his economic circumstances, but the defendant shall not be compelled to answer.

(4) A certificate setting out with reasonable particularity the finding of guilt or acquittal or conviction and sentence in Canada of a person signed by, Proof of previous conviction

(a) the person who made the adjudication; or

(b) the clerk of the court in which the adjudication was made,

is, upon the court being satisfied that the defendant is the person referred to in the certificate, admissible in evidence and is *prima facie* proof of the facts stated therein without proof of the signature or the official character of the person appearing to have signed the certificate.

59. In determining the sentence to be imposed on a person convicted of an offence, the justice may take into account any time spent in custody by the person as a result of the offence. Time spent in custody considered

60.—(1) No penalty prescribed for an offence is a minimum penalty unless it is specifically declared to be a minimum. Provision for minimum penalty

(2) Notwithstanding that the provision that creates the penalty for an offence prescribes a minimum fine, where in the opinion of the court exceptional circumstances exist so that to impose the minimum fine would be unduly oppressive or otherwise not in the interests of justice, the court may impose a fine that is less than the minimum or suspend the sentence. Relief against minimum fine

(3) Where a minimum penalty is prescribed for an offence and the minimum penalty includes imprisonment, the court may, notwithstanding the prescribed penalty, impose a fine of not more than \$2,000 in lieu of imprisonment. Idem, re imprisonment

61.—(1) Upon conviction, the defendant is liable to pay to the court an amount by way of costs that is fixed by the regulations. Fixed costs on conviction

(2) The court may, in its discretion, order costs towards fees and expenses reasonably incurred by or on behalf of witnesses in amounts not exceeding the maximum fixed by the regulations, to be paid, Costs respecting witnesses

(a) to the court or prosecutor by the defendant; or

(b) to the defendant by the person who laid the information or issued the certificate, as the case may be,

but where the proceeding is commenced by means of a certificate, the total of such costs shall not exceed \$100.

Costs
collectable
as a fine

(3) Costs payable under this section shall be deemed to be a fine for the purpose of enforcing payment.

General
penalty

62.—(1) Except where otherwise expressly provided by law, every person who is convicted of an offence is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than six months, or to both.

Amendment
of subs. 1

(2) Subsection 1 is amended by striking out “or to imprisonment for a term of not more than six months, or to both” in the third and fourth lines.

Effective
date of
amendment

(3) Subsection 2 does not come into force until the 1st day of January, 1981.

Minute of
conviction

63. Where a court convicts a defendant or dismisses a charge, a minute of the dismissal or conviction and sentence shall be made by the court, and, upon request by the defendant or the prosecutor or by the Attorney General or his agent, the court shall cause a copy thereof certified by the clerk of the court to be delivered to the person making the request.

Time when
imprison-
ment
starts

64.—(1) The term of imprisonment imposed by sentence shall, unless otherwise directed in the sentence, commence on the day on which the convicted person is taken into custody thereunder, but no time during which the convicted person is imprisoned or out on bail before sentence shall be reckoned as part of the term of imprisonment to which he is sentenced.

Idem

(2) Where the court imposes imprisonment, the court may order custody to commence on a day not later than thirty days after the day of sentencing.

Sentences
consecutive

65. Where a person is subject to more than one term of imprisonment at the same time, the terms shall be served consecutively except in so far as the court has ordered a term to be served concurrently with any other term of imprisonment.

Authority
of warrant

66.—(1) A warrant of committal is sufficient authority,

(a) for the conveyance of the prisoner in custody for the purpose of committal under the warrant; and

- (b) for the reception and detention of the prisoner by keepers of prisons in accordance with the terms of the warrant.

(2) A person to whom a warrant of committal is directed shall convey the prisoner to the correctional institution named in the warrant. Conveyance of prisoner

(3) A sentence of imprisonment shall be served in accordance with the enactments and rules that govern the institution to which the prisoner is sentenced. Prisoner subject to rules of institution

67.—(1) A fine becomes due and payable fifteen days after its imposition. When fine due

(2) Where the court imposes a fine, the court shall ask the defendant if he wishes an extension of the time for payment of the fine. Extension of time for payment of a fine

(3) Where the defendant requests an extension of the time for payment of the fine, the court may make such inquiries, on oath or otherwise, of and concerning the defendant as the court considers desirable, but the defendant shall not be compelled to answer. Inquiries

(4) Unless the court finds that the request for extension of time is not made in good faith or that the extension would likely be used to evade payment, the court shall extend the time for payment by ordering periodic payments or otherwise. Granting of extension

(5) Where a fine is imposed in the absence of the defendant, the clerk of the court shall give the defendant notice of the fine and its due date and of his right to apply for an extension of the time for payment under subsection 6. Notice where convicted in absentia

(6) The defendant may, at any time by application in the prescribed form filed in the office of the court, request an extension or further extension of time for payment of a fine and the application shall be determined by a justice and the justice has the same powers in respect of the application as the court has under subsections 3 and 4. Further application for extension

68. The Lieutenant Governor in Council may make regulations establishing a program to permit the payment of fines by means of credits for work performed, and, for the purpose and without restricting the generality of the foregoing may, Regulation for work credits for fines

- (a) prescribe classes of work and the conditions under which they are to be performed;
- (b) prescribe a system of credits;
- (c) provide for any matter necessary for the effective administration of the program,

and any regulation may limit its application to any part or parts of Ontario.

**Civil
enforcement
of fines**

69.—(1) When the payment of a fine is in default, the clerk of the court may complete a certificate in the prescribed form as to the imposition of the fine and the amount remaining unpaid and file the certificate in a court of competent jurisdiction and upon filing, the certificate shall be deemed to be an order or judgment of that court for the purposes of enforcement.

Limitation

(2) A certificate shall not be filed under subsection 1 after two years after the default in respect of which it is issued.

**Certificate of
discharge**

(3) Where a certificate has been filed under subsection 1 and the fine is fully paid, the clerk shall file a certificate of payment upon which the certificate of default is discharged and, where a writ of execution has been filed with the sheriff, the clerk shall file a certificate of payment with the sheriff, upon which the writ is cancelled.

Default

70.—(1) The payment of a fine is in default when any part of the fine is due and unpaid for fifteen days or more.

**Order on
default**

(2) Where a justice is satisfied that payment of a fine is in default, the justice,

(a) shall order that any permit, licence, registration or privilege in respect of which a suspension is authorized by or under any Act for non-payment of the fine be suspended, not renewed or not issued until the fine is paid; and

(b) may direct the clerk of the court to proceed with civil enforcement under section 69.

**Imprison-
ment for
non-payment
of fine**

(3) A justice may issue a warrant in the prescribed form for the committal of the defendant where,

(a) an order or direction under clause *a* of subsection 2 has not resulted in payment within a time that is reasonable in the circumstances;

(b) all other reasonable methods of collecting the fine have been tried and failed or, in the opinion of the justice, would not likely result in payment within a reasonable time in the circumstances; and

(c) the defendant has been given fifteen days notice of the intent to issue a warrant and has had an opportunity to be heard.

(4) In exceptional circumstances where, in the opinion of the court imposing the fine, to proceed under subsection 3 would defeat the ends of justice, the court may,

Provision on conviction for imprisonment in default

(a) order that no warrant of committal be issued under subsection 3; or

(b) order imprisonment in default of payment of the fine and that no extension of time for payment be granted.

(5) Imprisonment under a warrant issued under subsection 3 or 4 shall be for three days, plus one day for each \$25 or part thereof that is in default, subject to a maximum period of,

Term of imprisonment

(a) ninety days; or

(b) half of the maximum imprisonment, if any, provided for the offence,

whichever is the greater.

(6) Any payment made after a warrant is issued under subsection 3 or 4 shall reduce the term by the number of days that is in the same proportion to the number of days in the term as the amount paid bears to the total fine and no amount offered in part payment of a fine shall be accepted unless it is sufficient to secure reduction of sentence of one day, or a multiple thereof.

Effect of payments

71. Where an Act provides that a fine may be suspended subject to the performance of a condition,

Suspension of fine on conditions

(a) the period of suspension shall be fixed by the court and shall be for not more than one year;

(b) the court shall provide in its order of suspension the method of proving the performance of the condition;

- (c) the suspension is in addition to and not in lieu of any other power of the court in respect of the fine; and
- (d) the fine is not in default until fifteen days have elapsed after notice that the period of suspension has expired is given to the defendant.

Probation
order

72.—(1) Where a defendant is convicted of an offence in a proceeding commenced by information, the court may, having regard to the age, character and background of the defendant, the nature of the offence and the circumstances surrounding its commission,

- (a) suspend the passing of sentence and direct that the defendant comply with the conditions prescribed in a probation order;
- (b) in addition to fining the defendant or sentencing him to imprisonment, whether in default of payment of a fine or otherwise, direct that the defendant comply with the conditions prescribed in a probation order; or
- (c) where it imposes a sentence of imprisonment on the defendant, whether in default of payment of a fine or otherwise, that does not exceed ninety days, order that the sentence be served intermittently at such times as are specified in the order and direct that the defendant, at all times when he is not in confinement pursuant to such order, comply with the conditions prescribed in a probation order.

Statutory
conditions
of order

(2) A probation order shall be deemed to contain the conditions that,

- (a) the defendant not commit the same or any related or similar offence, or any offence under a statute of Canada or Ontario or any other province of Canada that is punishable by imprisonment;
- (b) the defendant appear before the court as and when required; and
- (c) the defendant notify the court of any change in his address.

Conditions
imposed
by court

(3) In addition to the conditions set out in subsection 2, the court may prescribe the following conditions in a probation order,

- (a) that the defendant satisfy any compensation or restitution that is required or authorized by an Act;
- (b) with the consent of the defendant and where the conviction is of an offence that is punishable by imprisonment that the defendant perform a community service as set out in the order;
- (c) where the conviction is of an offence punishable by imprisonment, such other conditions relating to the circumstances of the offence and of the defendant that contributed to the commission of the offence as the court considers appropriate to prevent similar unlawful conduct or to contribute to the rehabilitation of the defendant; or
- (d) where considered necessary for the purpose of implementing the conditions of the probation order, that the defendant report to a responsible person designated by the court and, in addition, where the circumstances warrant it, that the defendant be under the supervision of the person to whom he is required to report.

(4) A probation order shall be in the prescribed form and the court that makes the order shall specify therein the period for which it is to remain in force, which shall not be for more than two years from the date when the order takes effect.

Form of
order

(5) Where the court makes a probation order, it shall cause a copy of the order and a copy of section 75 to be given to the defendant.

Notice of
order

(6) The Lieutenant Governor in Council may make regulations governing restitution, compensation and community service orders, including their terms and conditions.

Regulations
for
community
service
orders

73.—(1) A probation order comes into force,

When order
comes into
force

(a) on the date on which the order is made; or

(b) where the defendant is sentenced to imprisonment other than a sentence to be served intermittently, upon the expiration of that sentence.

(2) Subject to section 75, where a defendant who is bound by a probation order is convicted of an offence or is imprisoned in default of payment of a fine, the order continues in force except in so far as the sentence or imprisonment

Continuation
in force

renders it impossible for the defendant to comply for the time being with the order.

Variation of
probation
order

74. The court may, at any time upon the application of the defendant or prosecutor with notice to the other, after a hearing or, with the consent of the parties, without a hearing,

- (a) make any changes in or additions to the conditions prescribed in the order that in the opinion of the court are rendered desirable by a change in circumstances;
- (b) relieve the defendant, either absolutely or upon such terms or for such period as the court considers desirable, of compliance with any condition described in any of the clauses in subsection 3 of section 72 that is prescribed in the order; or
- (c) terminate the order or decrease the period for which the probation order is to remain in force,

and the court shall thereupon endorse the probation order accordingly and, if it changes or adds to the conditions prescribed in the order, inform the defendant of its action and give him a copy of the order so endorsed.

Breach of
probation
order

75. Where a defendant who is bound by a probation order is convicted of an offence constituting a breach of condition of the order and,

- (a) the time within which he may appeal or apply for leave to appeal against that conviction has expired and he has not taken an appeal or applied for leave to appeal;
- (b) he has taken an appeal or applied for leave to appeal against the conviction and the appeal or application for leave has been dismissed or abandoned; or
- (c) he has given written notice to the court that convicted him that he elects not to appeal,

or where the defendant otherwise wilfully fails or refuses to comply with the order, he is guilty of an offence and upon conviction the court may,

- (d) impose a fine of not more than \$1,000 or imprisonment for a term of not more than thirty days, or both, and in lieu of or in addition to the penalty, continue the probation order with such changes or additions and for such extended term, not exceeding an additional year, as the court considers reasonable; or
- (e) where the justice presiding is the justice who made the original order, in lieu of imposing the penalty under clause *d*, revoke the probation order and impose the sentence the passing of which was suspended upon the making of the probation order.

PART V

GENERAL PROVISIONS

76.—(1) Proceedings shall not be commenced after the expiration of any limitation period prescribed for the offence, where no limitation period is prescribed, after six months after the date on which the offence was, or is alleged to have been, committed. Limitation

(2) A limitation period may be extended by a justice with the consent of the defendant. Extension

77.—(1) Every person is a party to an offence who, Parties to offence

- (a) actually commits it,
- (b) does or omits to do anything for the purpose of aiding any person to commit it; or
- (c) abets any person in committing it.

(2) Where two or more persons form an intention in common to carry out an unlawful purpose and to assist each other therein and any one of them, in carrying out the common purpose, commits an offence, each of them who knew or ought to have known that the commission of the offence would be a probable consequence of carrying out the common purpose is a party to the offence. Common purpose

78.—(1) Where a person counsels or procures another person to be a party to an offence and that other person is afterwards a party to the offence, the person who counselled or procured is a party to the offence, notwithstanding that the offence was committed in a way different from that which was counselled or procured. Counselling

- Idem** (2) Every person who counsels or procures another person to be a party to an offence is a party to every offence that the other commits in consequence of the counselling or procuring that the person who counselled or procured knew or ought to have known was likely to be committed in consequence of the counselling or procuring.
- Computation of age** **79.** In the absence of other evidence, or by way of corroboration of other evidence, a justice may infer the age of a person from his appearance.
- Common law defences** **80.** Every rule and principle of the common law that renders any circumstance a justification or excuse for an act or a defence to a charge continues in force and applies in respect of offences, except in so far as they are altered by or inconsistent with this or any other Act.
- Ignorance of the law** **81.** Ignorance of the law by a person who commits an offence is not an excuse for committing the offence.
- Counsel or agent** **82.** A defendant may act by his counsel or agent.
- Recording of evidence** **83.**—(1) Proceedings in which evidence is taken shall be recorded.
- Evidence under oath** (2) Evidence under this Act shall be taken under oath, except as otherwise provided by law.
- Interpreters** **84.**—(1) A justice may authorize a person to act as interpreter in a proceeding before him where the person swears the prescribed oath and, in the opinion of the justice, is competent.
- Idem** (2) A judge may authorize a person to act as interpreter in proceedings under this Act where he swears the prescribed oath and, in the opinion of the judge is competent and likely to be readily available.
- Extension of time** **85.** Any time prescribed by this Act or the regulations made thereunder or by the rules of the court for doing any thing other than commencing or recommencing proceedings may be extended by the court in which the proceeding is conducted, whether or not the prescribed time has expired.
- Penalty for false statements** **86.** Every person who makes an assertion of fact in a statement or entry in a document or form for use under this Act knowing that the assertion is false is guilty of an offence and on conviction is liable to a fine of not more than \$1,000.

87.—(1) Except as otherwise provided by this Act or the ^{Delivery} rules of the court, any notice or document required or authorized to be given or delivered under this Act or the rules of the court is sufficiently given or delivered if delivered, whether personally or by mail.

(2) Where a notice or document that is required or ^{Idem} authorized to be given or delivered to a person under this Act is mailed to the person at his last known address appearing on the records of the court in the proceeding, there is a rebuttable presumption that the notice or document is delivered to the person.

88. No civil remedy for an act or omission is suspended ^{Civil remedies preserved} or affected for the reason that the act or omission is an offence.

89. Any action authorized or required by this Act is not ^{Process on holidays} invalid for the reason only that the action was taken on a non-judicial day.

90.—(1) The validity of any proceeding is not affected by, ^{Irregularities in form}

(a) any irregularity or defect in the substance or form of the summons, warrant, offence notice, parking infraction notice, undertaking to appear or recognizance; or

(b) any variance between the charge set out in the summons, warrant, parking infraction notice, offence notice undertaking to appear or recognizance and the charge set out in the information or certificate.

(2) Where it appears to the court that the defendant ^{Adjournment to meet irregularities} has been misled by any irregularity, defect or variance mentioned in subsection 1, the court may adjourn the hearing and may make such order as the court considers appropriate, including an order under section 61 for the payment of costs.

91. The Lieutenant Governor in Council may make regu- ^{Regulations} lations,

(a) prescribing any matter referred to in this Act as prescribed by the regulations;

(b) prescribing the form of certificate as to ownership of a motor vehicle given by the Registrar under subsection 2 of section 150 of *The Highway Traffic Act* for the purpose of proceedings under this Act; ^{R.S.O. 1970, c. 202}

- (c) providing for the extension of times prescribed by or under this Act or the rules in the event of a disruption in postal services;
- (d) requiring the payment of fees upon the filing of anything required or permitted to be filed under this Act or the rules and fixing the amounts thereof, and providing for the waiver of the payment of a fee by a justice, or by a judge under Part VI, in such circumstances and under such conditions as are set out in the regulations;
- (e) fixing costs payable upon conviction and referred to in subsection 1 of section 61;
- (f) fixing the items in respect of which costs may be awarded under subsection 2 of section 61 and prescribing the maximum amounts that may be awarded in respect of each item.

PART VI

APPEALS AND REVIEW

Interpre-
tation

92.—(1) In this Part,

- (a) “counsel” when used in respect of proceedings in a provincial court (criminal division) includes an agent;
- (b) “court” means the court to which an appeal is or may be taken under this Part;
- (c) “judge” means a judge of the court to which an appeal is or may be taken under this Part;
- (d) “rules” means the rules made under section 123;
- (e) “sentence” includes any order or disposition consequent upon a conviction and an order as to costs.

References
to Court
of Appeal
R.S.O. 1970,
c. 228

(2) In this Part, a reference to the Court of Appeal means the Court of Appeal notwithstanding subsection 2 of section 17 of *The Judicature Act*.

APPEALS UNDER PART III

Appeal

93.—(1) Where a proceeding is commenced by information under Part III, the defendant or the prosecutor or the

Attorney General by way of intervention may appeal from a conviction or dismissal or from a finding as to ability, because of mental disorder, to conduct a defence or as to sentence.

(2) An appeal under subsection 1 shall be,

Appeal
court

(a) where the appeal is from the decision of a justice of the peace, to the provincial court (criminal division) of the county or district in which the adjudication was made; or

(b) where the appeal is from the decision of a provincial judge, to the county or district court of the county or district in which the adjudication was made.

(3) The appellant shall give notice of appeal in such manner and within such period as is provided by the rules.

Notice of
appeal

94. A defendant who appeals shall, if he is in custody, remain in custody, but a judge may order his release upon any of the conditions set out in subsection 2 of section 134.

Custody
pending
appeal

95.—(1) A notice of appeal by a defendant shall not be accepted for filing if the defendant has not paid in full the fine imposed by the decision appealed from.

Payment of
fine before
appeal

(2) A judge may waive compliance with subsection 1 and order that the appellant enter into a recognizance to appear on the appeal, and the recognizance shall be in such amount, with or without sureties, as the judge directs.

Exception
with recogni-
zance

96. The filing of a notice of appeal does not stay the conviction unless a judge so orders.

Stay

97.—(1) Where an appellant is in custody pending the hearing of the appeal and the hearing of the appeal has not commenced within thirty days from the day on which notice of the appeal was given, the person having custody of the appellant shall apply to a judge to fix a date for the hearing of the appeal.

Fixing of
date where
appellant
in custody

(2) Upon receiving an application under subsection 1, the judge shall, after giving the prosecutor a reasonable opportunity to be heard, fix a date for the hearing of the appeal and give such directions as he thinks appropriate for expediting the hearing of the appeal.

Idem

98. A person does not waive his right of appeal by reason only that he pays the fine or complies with any order imposed upon conviction.

Payment
of fine
not waiver

Transmittal
of material

99. Where a notice of appeal has been filed, the clerk of the appeal court shall notify the clerk of the provincial offences court appealed from of the appeal and, upon receipt of the notification, the clerk of the provincial offences court shall transmit the order appealed from and transmit or transfer custody of all other material in his possession or control relevant to the proceedings to the clerk of the appeal court to be kept with the records of the appeal court.

Powers
of court

100.—(1) The court may, where it considers it to be in the interests of justice,

- (a) order the production of any writing, exhibit or other thing relevant to the appeal;
- (b) order any witness who would have been a compellable witness at the trial, whether or not he was called at the trial,
 - (i) to attend and be examined before the court, or
 - (ii) to be examined in the manner provided by the rules before a judge of the court, or before any officer of the court or justice of the peace or other person appointed by the court for the purpose;
- (c) admit, as evidence, an examination that is taken under subclause ii of clause b;
- (d) receive the evidence, if tendered, of any witness;
- (e) order that any question arising on the appeal that,
 - (i) involves prolonged examination of writings or accounts, or scientific investigation, and
 - (ii) cannot in the opinion of the court conveniently be inquired into before the court,
 be referred for inquiry and report, in the manner provided by the rules, to a special commissioner appointed by the court; and
- (f) act upon the report of a commissioner who is appointed under clause e in so far as the court thinks fit to do so.

Right of
appellant

(2) In proceedings under this section, the parties or their counsel are entitled to examine or cross-examine witnesses

and, in an inquiry under clause *e* of subsection 1, are entitled to be present during the inquiry and to adduce evidence and to be heard.

101.—(1) An appellant may appear and act personally or by counsel. Right to counsel

(2) An appellant who is in custody as a result of the decision appealed from is entitled to be present at the hearing of the appeal. Attendance while in custody

(3) The power of a court to impose sentence may be exercised notwithstanding that the appellant is not present. Sentencing in absence

102. An appellant may present his case on appeal and his argument in writing instead of orally, and the court shall consider any case or argument so presented. Written argument

103.—(1) On the hearing of an appeal against a conviction or against a finding as to the ability, because of mental disorder, to conduct a defence, the court by order, Powers on appeal against conviction

(a) may allow the appeal where it is of the opinion that,

- (i) the finding should be set aside on the ground that it is unreasonable or cannot be supported by the evidence,
- (ii) the judgment of the trial court should be set aside on the ground of a wrong decision on a question of law, or
- (iii) on any ground, there was a miscarriage of justice; or

(b) may dismiss the appeal where,

- (i) the court is of the opinion that the appellant, although he was not properly convicted on a count or part of an information, was properly convicted on another count or part of the information,
- (ii) the appeal is not decided in favour of the appellant on any ground mentioned in clause *a*, or

- (iii) notwithstanding that the court is of the opinion that on any ground mentioned in subclause ii of clause *a* the appeal might be decided in favour of the appellant, it is of the opinion that no substantial wrong or miscarriage of justice has occurred.

Idem

(2) Where the court allows an appeal under clause *a* of subsection 1, it shall,

(a) where the appeal is from a conviction,

(i) direct a finding of acquittal to be entered, or

(ii) order a new trial; or

(b) where the appeal is from a finding as to the ability, because of mental disorder, to conduct a defence, order a new trial, subject to section 45.

Idem

(3) Where the court dismisses an appeal under clause *b* of subsection 1, it may substitute the decision that in its opinion should have been made and affirm the sentence passed by the trial court or impose a sentence that is warranted in law.

Powers
on appeal
against
acquittal

104. Where an appeal is from an acquittal, the court may by order,

(a) dismiss the appeal; or

(b) allow the appeal, set aside the finding and,

(i) order a new trial, or

(ii) enter a finding of guilt with respect to the offence of which, in its opinion, the appellant should have been found guilty, and pass a sentence that is warranted in law.

Appeal
against
sentence

105.—(1) Where an appeal is taken against sentence, the court shall consider the fitness of the sentence appealed from and may, upon such evidence, if any, as it thinks fit to require or receive, by order,

(a) dismiss the appeal; or

(b) vary the sentence within the limits prescribed by law for the offence of which the defendant was convicted,

and, in making any order under clause *b*, the court may take into account any time spent in custody by the defendant as a result of the offence.

(2) A judgment of a court that varies a sentence has the same force and effect as if it were a sentence passed by the trial court. Variance of sentence

106. Where one sentence is passed upon a finding of guilt on two or more counts, the sentence is good if any of the counts would have justified the sentence. One sentence on more than one count

107.—(1) Judgment shall not be given in favour of an appellant based on any alleged defect in the substance or form of an information, certificate or process or any variance between the information, certificate or process and the evidence adduced at trial unless it is shown that objection was taken at the trial and that, in the case of a variance, an adjournment of the trial was refused notwithstanding that the variance had misled the appellant. Appeal based on defect in information or process

(2) Where an appeal is based on a defect in a conviction or an order, judgment shall not be given in favour of the appellant, but the court shall make an order curing the defect. Idem

108. Where a court exercises any of the powers conferred by sections 100 to 107, it may make any order, in addition, that justice requires. Additional orders

109.—(1) Where a court orders a new trial, it shall be held in a provincial offences court presided over by a justice other than the justice who tried the defendant in the first instance unless the appeal court directs that the new trial be held before the justice who tried the defendant in the first instance. New trial

(2) Where a court orders a new trial, it may make such order for the release or detention of the appellant pending such trial as may be made by a justice under subsection 2 of section 134 and the order may be enforced in the same manner as if it had been made by a justice under that subsection. Order for release

110.—(1) Where, because of the condition of the record of the trial in the trial court or for any other reason, the court, upon application of the appellant or respondent, is of the opinion that the interests of justice would be better served by hearing and determining the appeal by holding a new trial in the court, the court may order that the appeal Trial *de novo*

shall be heard by way of a new trial in the court in accordance with the rules, and for this purpose this Act applies, with necessary modifications, in the same manner as to a proceeding in a provincial offences court.

Evidence

(2) The court may, for the purpose of hearing and determining an appeal under subsection 1, permit the evidence of any witness taken before the trial court to be read if that evidence has been authenticated and if,

- (a) the appellant and respondent consent;
- (b) the court is satisfied that the attendance of the witness cannot reasonably be obtained; or
- (c) by reason of the formal nature of the evidence or otherwise the court is satisfied that the opposite party will not be prejudiced,

and any evidence that is read under the authority of this subsection has the same force and effect as if the witness had given the evidence before the court.

Dismissal or abandonment

111. The court may, upon proof that notice of an appeal has been given and that,

- (a) the appellant has failed to comply with any order made under section 94 or 95 or with the conditions of any recognizance entered into under either of those sections; or
- (b) the appeal has not been proceeded with or has been abandoned,

order that the appeal be dismissed.

Costs

112.—(1) Where an appeal is heard and determined or is abandoned or is dismissed for want of prosecution, the court may make any order with respect to costs that it considers just and reasonable.

Payment

(2) Where the court orders the appellant or respondent to pay costs, the order shall direct that the costs be paid to the clerk of the trial court, to be paid by him to the person entitled to them, and shall fix the period within which the costs shall be paid.

Enforcement

(3) Costs ordered to be paid under this section by a person other than a prosecutor acting on behalf of the Crown shall

be deemed to be a fine for the purpose of enforcing its payment.

113. An order or judgment of the appeal court shall be implemented or enforced by the trial court and the clerk of the appeal court shall send to the clerk of the trial court the order and all writings relating thereto. Implementation of appeal court order

114.—(1) A defendant or the prosecutor or the Attorney General by way of intervention may appeal from the judgment of the court to the Court of Appeal, with leave of a justice of appeal on special grounds, upon any question of law alone or as to sentence in accordance with the rules made under section 123. Appeal to Court of Appeal

(2) No leave to appeal shall be granted under subsection 1 unless the justice of appeal considers that in the particular circumstances of the case it is essential in the public interest or for the due administration of justice that leave be granted. Grounds for leave

115. A defendant who appeals shall, if he is in custody, remain in custody, but a judge may order his release upon any of the conditions set out in subsection 2 of section 134. Custody pending appeal

116. Where an application for leave to appeal is made, the Registrar of the Court of Appeal shall notify the clerk of the court appealed from of the application and, upon receipt of the notification, the clerk of the court shall transmit to the Registrar all the material forming the record including any other relevant material requested by a justice of appeal. Transfer of record

117. Sections 98, 100, 101, 102, 103, 104, 105, 106, 107, 108 and 109, clause *b* of section 111 and section 112 apply, with necessary modifications, to appeals to the Court of Appeal under section 114. Application of ss. 98, 100-109, 111 (b), 112

APPEALS UNDER PARTS I AND II

118.—(1) A defendant or the prosecutor or the Attorney General by way of intervention is entitled to appeal an acquittal, conviction or sentence in a proceeding commenced by certificate under Part I or II and the appeal shall be to the provincial court (criminal division) of the county or district in which the adjudication was made. Appeal

(2) A notice of appeal shall be in the prescribed form and shall state the reasons why the appeal is taken and shall be filed with the clerk of the provincial court (criminal division) Application for appeal

within fifteen days after the making of the decision appealed from, in accordance with the rules.

Notice of
hearing

(3) The clerk shall, as soon as is practicable, give a notice to the defendant and prosecutor of the time and place of the hearing of the appeal.

Conduct
of appeal

119.—(1) Upon an appeal, the court shall give the parties an opportunity to be heard for the purpose of determining the issues and may, where the circumstances warrant it, make such inquiries as are necessary to ensure that the issues are fully and effectively defined.

Review

(2) An appeal shall be conducted by means of a review in the provincial court (criminal division) of the county or district in which the adjudication was made.

Evidence

(3) In determining a review, the court may,

- (a) hear or rehear the recorded evidence or any part thereof and may require any party to provide a transcript of the evidence, or any part thereof, or to produce any further exhibit;
- (b) receive the evidence of any witness whether or not the witness gave evidence at the trial;
- (c) require the justice presiding at the trial to report in writing on any matter specified in the request; or
- (d) receive and act upon statements of agreed facts or admissions.

Dismissal
on abandon-
ment

120. Where an appeal has not been proceeded with or abandoned, the court may order that the appeal be dismissed.

Powers of
court on
appeal

121.—(1) Upon an appeal, the court may affirm, reverse or vary the decision appealed from or where, in the opinion of the court, it is necessary to do so to satisfy the ends of justice, direct a new trial.

New trial

(2) Where the court directs a new trial, it shall be held in the provincial offences court presided over by a justice other than the justice who tried the defendant in the first instance, but the appeal court may, with the consent of the parties to the appeal, direct that the new trial be held before the justice who tried the defendant in the first instance or before the judge who directs the new trial.

(3) Upon an appeal, the court may make an order under section 61 for the payment of costs incurred on the appeal, and subsection 3 thereof applies to the order in the same manner as to an order of a provincial offences court. Costs

122.—(1) An appeal lies from the judgment of the provincial court (criminal division) to the Court of Appeal, with leave of a justice of appeal, on special grounds, upon any question of law alone in accordance with the rules made under section 123. Appeal to Court of Appeal

(2) No leave to appeal shall be granted under subsection 1 unless the justice of appeal considers that in the particular circumstances of the case it is essential in the public interest or for the due administration of justice that leave be granted. Grounds for leave

(3) Upon an appeal under this section, the Court of Appeal may make any order with respect to costs that it considers just and reasonable. Costs

RULES FOR APPEALS

123. The Lieutenant Governor in Council may make rules of court not inconsistent with this or any other Act for the conduct of and governing practices and procedures on appeals in the provincial courts (criminal division), the county and district courts and the Court of Appeal under this Act, and respecting any matter arising from or incidental to such appeals. Rules of court for appeals

REVIEW

124.—(1) Upon an application by way of originating notice, the High Court may by order grant any relief in respect of matters arising under this Act that the applicant would be entitled to in proceedings by way of an application for an order in the nature of mandamus, prohibition or *certiorari*. Application for relief in nature of mandamus, prohibition, certiorari

(2) Notice of an application under this section shall be served on, Notice of application

(a) the person whose act or omission gives rise to the application;

(b) any person who is a party to a proceeding that gives rise to the application; and

(c) the Attorney General.

Appeal (3) An appeal lies to the Court of Appeal from an order made under this section.

Notice re *certiorari* **125.**—(1) A notice under section 124 in respect of an application for relief in the nature of *certiorari* shall be given at least seven days and not more than ten days before the date fixed for the hearing of the application and the notice shall be served within thirty days after the occurrence of the act sought to be quashed.

Filing material (2) Where a notice referred to in subsection 1 is served on the person making the decision, order or warrant or holding the proceeding giving rise to the application, such person shall forthwith file in the High Court for use on the application, all material concerning the subject-matter of the application.

Where appeal available (3) No application shall be made to quash a conviction, order or ruling from which an appeal is provided by this Act, whether subject to leave or otherwise.

Substantial wrong (4) On an application for relief in the nature of *certiorari*, the High Court shall not grant relief unless the court finds that a substantial wrong or miscarriage of justice has occurred, and the court may amend or validate any decision already made, with effect from such time and on such terms as the court considers proper.

Order for immunity from civil liability (5) Where an application is made to quash a decision, order, warrant or proceeding made or held by a justice on the ground that he exceeded his jurisdiction, the High Court may, in quashing the decision, order, warrant or proceeding, order that no civil proceeding shall be taken against the justice or against any officer who acted under the decision, order or warrant or in the proceeding or under any warrant issued to enforce it.

Application for *habeas corpus* **126.**—(1) Upon an application by way of originating notice, the High Court may by order grant any relief in respect of a matter arising under this Act that the applicant would be entitled to in proceedings by way of an application for an order in the nature of *habeas corpus*.

Procedure on application for relief in nature of *habeas corpus* (2) Notice of an application under subsection 1 for relief in the nature of *habeas corpus* shall be served upon the person having custody of the person in respect of whom the application is made and upon the Attorney General and upon the

hearing of the application the presence before the High Court of the person in respect of whom the application was made may be dispensed with by consent, in which event the High Court may proceed to dispose of the matter forthwith as the justice of the case requires.

(3) Subject to subsections 1 and 2, *The Habeas Corpus Act* applies to applications under this section, but an application for relief in the nature of *certiorari* may be brought in aid of an application under this section. Application of R.S.O. 1970, c. 197

(4) *The Judicial Review Procedure Act, 1971* and sections 69 and 70 of *The Judicature Act* do not apply to matters in respect of which an application may be made under section 124. 1971, c. 48 and R.S.O. 1970, c. 228, ss. 69, 70 do not apply

(5) A court to which an application or appeal is made under section 124 or this section may make any order with respect to costs that it considers just and reasonable. Costs

PART VII

ARREST, BAIL AND SEARCH WARRANTS

Arrest

127. In this Part, "officer in charge" means the police officer who is in charge of the lock-up or other place to which a person is taken after his arrest. Officer in charge

128.—(1) A warrant for the arrest of a person shall be executed by a police officer by arresting the person against whom the warrant is directed wherever he is found in Ontario. Execution of warrant

(2) A police officer may arrest without warrant a person for whose arrest he has reasonable and probable grounds to believe that a warrant is in force in Ontario. Idem

129. Any person may arrest without warrant a person who he has reasonable and probable grounds to believe has committed an offence and is escaping from and freshly pursued by a police officer who has lawful authority to arrest that person, and, where the person who makes the arrest is not a police officer, shall forthwith deliver the person arrested to a police officer. Arrest without warrant

130.—(1) Every police officer is, if he acts on reasonable and probable grounds, justified in using as much force as is necessary to do what he is required or authorized by law to do. Use of force

Use of force
by citizen

(2) Every person upon whom a police officer calls for assistance is justified in using as much force as he believes on reasonable and probable grounds is necessary to render such assistance.

Immunity
from civil
liability

131. Where a person is wrongfully arrested, whether with or without a warrant, no action for damages shall be brought,

- (a) against the police officer making the arrest if he believed in good faith and on reasonable and probable grounds that the person arrested was the person named in the warrant or was subject to arrest without warrant under the authority of an Act;
- (b) against any person called upon to assist the police officer if such person believed that the police officer had the right to effect the arrest; or
- (c) against any person required to detain the prisoner in custody if such person believes the arrest was lawfully made.

Production
of process

132.—(1) It is the duty of every one who executes a process or warrant to have it with him, where it is feasible to do so, and to produce it when requested to do so.

Notice of
reason for
arrest

(2) It is the duty of every one who arrests a person, whether with or without warrant, to give notice to that person, where it is feasible to do so, of the reason for the arrest.

Bail

Release
after
arrest
by
officer

133.—(1) Where a police officer acting under a warrant or other power of arrest, arrests a person, the police officer shall, as soon as is practicable, release the person from custody after serving him with a summons or offence notice unless he has reasonable and probable grounds to believe that,

- (a) it is necessary in the public interest for the person to be detained, having regard to all the circumstances including the need to,
 - (i) establish the identity of the person,
 - (ii) secure or preserve evidence of or relating to the offence, or

- (iii) prevent the continuation or repetition of the offence or the commission of another offence;
or

- (b) the person arrested is ordinarily resident outside Ontario and will not respond to a summons or offence notice.

(2) Where a defendant is not released from custody under subsection 1, the police officer shall deliver him to the officer in charge who shall, where in his opinion the conditions set out in clauses *a* and *b* of subsection 1 do not or no longer exist, release the defendant, Release by officer in charge

- (a) upon serving him with a summons or offence notice;

- (b) upon his entering into a recognizance in the prescribed form without sureties conditioned for his appearance in court.

(3) Where the defendant is held for the reason only that he is not ordinarily resident in Ontario and it is believed that he will not respond to a summons or offence notice, the officer in charge may, in addition to anything required under subsection 2, require the defendant to deposit cash or other satisfactory negotiable security in an amount not to exceed, Cash bail by non-resident

- (a) where the proceeding is commenced by certificate under Part I or II, the amount of the set fine for the offence or, if none, \$300; or

- (b) where the proceeding is commenced by information under Part III, \$500.

134.—(1) Where a defendant is not released from custody under section 133, the officer in charge shall, as soon as is practicable but in any event within twenty-four hours, bring him before a justice and the justice shall, unless a plea of guilty is taken, order that the defendant be released upon giving his undertaking to appear unless the prosecutor having been given an opportunity to do so shows cause why the detention of the defendant is justified to ensure his appearance in court or why an order under subsection 2 is justified for the same purpose. Person in custody to be brought before justice

(2) Subject to subsection 1, the justice may order the release of the defendant, Order for conditional release

- (a) upon his entering into a recognizance to appear with such conditions as are appropriate to ensure his appearance in court;
- (b) where the offence is one punishable by imprisonment for twelve months or more, conditional upon his entering into a recognizance before a justice with sureties in such amount and with such conditions, if any, as are appropriate to ensure his appearance in court or, with the consent of the prosecutor, upon his depositing with the justice such sum of money or other valuable security as the order directs in an amount not exceeding,
 - (i) where the proceeding is commenced by certificate under Part I or II, the amount of the set fine for the offence or, if none, \$300, or
 - (ii) where the proceeding is commenced by information under Part III, \$1,000; or
- (c) if the defendant is not ordinarily resident in Ontario, upon his entering into a recognizance before a justice, with or without sureties, in such amount and with such conditions, if any, as are appropriate to ensure his appearance in court, and depositing with the justice such sum of money or other valuable security as the order directs in an amount not exceeding,
 - (i) where the proceeding is commenced by certificate under Part I or II, the amount of the set fine for the offence or if none, \$300, or
 - (ii) where the proceeding is commenced by information under Part III, \$1,000.

Idem

(3) The justice shall not make an order under clause *b* or *c* of subsection 2 unless the prosecutor shows cause why an order under the immediately preceding clause should not be made.

Order for detention

(4) Where the prosecutor shows cause why the detention of the defendant in custody is justified to ensure his appearance in court, the justice shall order the defendant to be detained in custody until he is dealt with according to law.

Reasons

(5) The justice shall include in the record a statement of his reasons for his decision under subsection 1, 2 or 4.

Evidence at hearing

(6) In a proceeding under subsection 1, the justice may receive and base his decision upon information he considers

credible or trustworthy in the circumstances of each case except that the defendant shall not be examined or cross-examined in respect of the offence with which he is charged.

(7) A proceeding under subsection 1 shall not be adjourned for more than three days without the consent of the defendant.

Adjourn-
ments

135.—(1) Where a defendant is not released from custody under section 133 or 134, he shall be brought before the court forthwith and, in any event, within eight days.

Expediting
trial of
person in
custody

(2) The justice presiding upon any appearance of the defendant in court may, upon the application of the defendant or prosecutor, review any order made under section 134 and make such further or other order under section 134 as to him seems appropriate in the circumstances.

Further
orders

136. A defendant or the prosecutor may appeal from an order or refusal to make an order under section 134 or 135 and the appeal shall be to the county or district court of the county or district in which the adjudication was made and shall be conducted in accordance with the rules made under section 123.

Appeal

137.—(1) A person who is released upon deposit under subsection 3 of section 133 or clause *c* of subsection 2 of section 134 may appoint the clerk of the court to act as his agent, in the event that he does not appear to answer to the charge, for the purpose of entering a plea of guilty on his behalf and authorizing the clerk to apply the amount so deposited toward payment of the fine and costs imposed by the court upon the conviction, and the clerk shall act as agent under this subsection without fee.

Appointment
of agent
for
appearance

(2) An officer in charge or justice who takes a recognizance, money or security under section 133 or 134 shall make a return thereof to the court where the defendant is required to appear.

Returns
to court

(3) The clerk of the court shall, upon the conclusion of proceedings, make a financial return to every person who deposited money or security under a recognizance and return the surplus, if any.

Returns
to
sureties

138.—(1) The recognizance of a person to appear in a proceeding binds the person and his sureties in respect of all appearances required in the proceeding at times and places to which the proceeding is adjourned.

Recognizance
binds for
all
appearances

Recognizance binds independently of other charges (2) A recognizance is binding in respect of appearances for the offence to which it relates and is not vacated upon the arrest, discharge or conviction of the defendant upon another charge.

Liability of principal (3) The principal to a recognizance is bound for the amount of the recognizance due upon forfeiture.

Liability where sureties (4) The principal and each surety to a recognizance are bound, jointly and severally, for the amount of the recognizance due upon forfeiture for non-appearance.

Application by surety to be relieved **139.**—(1) A surety to a recognizance may, by application in writing to the court at which the defendant is required to appear, apply to be relieved of his obligation under the recognizance and the court shall thereupon issue a warrant for the arrest of the defendant.

Certificate of arrest (2) When a police officer arrests the defendant under a warrant issued under subsection 1, he shall bring the defendant before a justice under section 134 and certify the arrest by certificate in the prescribed form and deliver the certificate to the court.

Vacating of recognizance (3) The receipt of the certificate by the court under subsection 2 vacates the recognizance and discharges the sureties.

Delivery of defendant by surety **140.** A surety to a recognizance may discharge his obligation under the recognizance by delivering the defendant into the custody of the court at which he is required to appear at any time while it is sitting at or before the trial of the defendant.

Certificate of default **141.**—(1) Where a person who is bound by recognizance does not comply with a condition of the recognizance, a justice having knowledge of the facts shall endorse on the recognizance a certificate in the prescribed form setting out,

(a) the nature of the default;

(b) the reason for the default, if it is known;

(c) whether the ends of justice have been defeated or delayed by reason of the default; and

(d) the names and addresses of the principal and sureties.

Certificate as evidence (2) A certificate that has been endorsed on a recognizance under subsection 1 is evidence of the default to which it relates.

(3) The clerk of the court shall transmit the endorsed recognizance to the clerk of the county or district court of the same county or district and, upon its receipt, the endorsed recognizance constitutes an application for the forfeiture of the recognizance. Application for forfeiture

(4) A judge of the county or district court shall fix a time and place for the hearing of the application by the county or district court and the clerk of the county or district court shall, not less than ten days before the time fixed for the hearing, deliver notice to the prosecutor and to each principal and, where the application is for forfeiture for non-appearance, each surety named in the recognizance, of the time and place fixed for the hearing and requiring each principal and surety to show cause why the recognizance should not be forfeited. Notice of hearing

(5) The county or district court may, after giving the parties an opportunity to be heard, in its discretion grant or refuse the application and make any order in respect of the forfeiture of the recognizance that the court considers proper. Order as to forfeiture

(6) Where an order for forfeiture is made under subsection 5, Collection on forfeiture

- (a) any money or security forfeited shall be paid over by the person who has custody of it to the person who is entitled by law to receive it; and
- (b) the principal and surety become judgment debtors of the Crown jointly and severally in the amount forfeited under the recognizance and the amount may be collected in the same manner as money owing under a judgment of the county or district court.

Search Warrants

142.—(1) Where a justice is satisfied by information upon oath that there is reasonable ground to believe that there is in any building, receptacle or place, Search warrant

- (a) anything upon or in respect of which an offence has been or is suspected to have been committed; or
- (b) anything that there is reasonable ground to believe will afford evidence as to the commission of an offence,

he may at any time issue a warrant in the prescribed form under his hand authorizing a police officer or person named

therein to search such building, receptacle or place for any such thing, and to seize and carry it before the justice issuing the warrant or another justice in the county or district in which the provincial offences court having jurisdiction in respect of the offence is situated to be dealt with by him according to law.

Expiration (2) Every search warrant shall name a date upon which it expires, which date shall be not later than fifteen days after its issue.

When to be executed (3) Every search warrant shall be executed between 6 a.m. and 9 p.m. standard time, unless the justice by the warrant otherwise authorizes.

Detention of things seized **143.**—(1) Where any thing is seized and brought before a justice, he shall by order,

(a) detain it or direct it to be detained in the care of a person named in the order; or

(b) direct it to be returned,

and the justice may in the order authorize the examination, testing, inspection or reproduction of the thing seized upon such conditions as are reasonably necessary and directed in the order, and may make any other provision as in the opinion of the justice is necessary for its preservation.

Time limit for detention (2) Nothing shall be detained under an order made under subsection 1 for a period of more than three months after the time of seizure unless, before the expiration of that period,

(a) upon application, a justice is satisfied that having regard to the nature of the investigation, its further detention for a specified period is warranted and he so orders; or

(b) proceedings are instituted in which the thing detained may be required.

Application for examination and copying (3) Upon the application of the defendant, prosecutor or person having an interest in a thing detained under subsection 1, a justice may make an order for the examination, testing, inspection or reproduction of any thing detained upon such conditions as are reasonably necessary and directed in the order.

Application for release (4) Upon the application of a person having an interest in a thing detained under subsection 1, and upon notice to the

defendant, the person from whom the thing was seized, the person to whom the search warrant was issued and any other person who has an apparent interest in the thing detained, a justice may make an order for the release of any thing detained to the person from whom the thing was seized where it appears that the thing detained is no longer necessary for the purpose of an investigation or proceeding.

(5) Where an order or refusal to make an order under subsection 3 or 4 is made by a justice of the peace, an appeal lies therefrom in the same manner as an appeal from a conviction in a proceeding commenced by means of a certificate.

144.—(1) Where under a search warrant a person is about to examine or seize a document that is in the possession of a lawyer and a solicitor-client privilege is claimed on behalf of a named client in respect of the document, the person shall, without examining or making copies of the document,

- (a) seize the document and place it, together with any other document seized in respect of which the same claim is made on behalf of the same client, in a package and seal and identify the package; and
- (b) place the package in the custody of the clerk of the court in the jurisdiction of which the seizure was made or, with the consent of the person and the client, in the custody of another person.

(2) No person shall examine or seize a document that is in the possession of a lawyer without giving him a reasonable opportunity to claim the privilege under subsection 1.

(3) A judge may, upon the *ex parte* application of the lawyer, by order authorize the lawyer to examine or make a copy of the document in the presence of its custodian or the judge, and the order shall contain such provisions as are necessary to ensure that the document is repackaged and resealed without alteration or damage.

(4) Where a document has been seized and placed in custody under subsection 1, the client by or on whose behalf the claim of solicitor-client privilege is made may apply to a judge for an order sustaining the privilege and for the return of the document.

(5) An application under subsection 4 shall be by notice of motion returnable not later than thirty days after the date on which the document was placed in custody.

Attorney
General
a party

(6) The person who seized the document and the Attorney General are parties to an application under subsection 4 and entitled to at least three days notice thereof.

Private
hearing and
scrutiny by
judge

(7) An application under subsection 4 shall be heard in private, and, for the purposes of the hearing, the judge may examine the document and, if he does so, shall cause it to be resealed.

Order

(8) The judge may, by order,

(a) declare that the solicitor-client privilege exists or does not exist in respect of the document;

(b) direct that the document be delivered up to the appropriate person.

Release of
document
where no
application
under subs. 4

(9) Where it appears to a judge upon the application of the Attorney General or person who seized the document that no application has been made under subsection 4 within the time limit prescribed by subsection 5, the judge shall order that the document be delivered to the applicant.

PART VIII

ORDERS ON APPLICATION UNDER STATUTES

Orders
under
statutes

145. Where, by any other Act, proceedings are authorized to be taken before a court or a justice for an order, including an order for the payment of money, this Act applies, with necessary modifications, to the proceeding in the same manner as to a proceeding commenced under Part III, and for the purpose,

(a) in place of an information, the applicant shall complete a statement in the prescribed form under oath attesting, on reasonable and probable grounds, to the existence of facts that would justify the order sought; and

(b) in place of a plea, the defendant shall be asked whether or not he wishes to dispute the making of the order.

PART IX

COMMENCEMENT AND TRANSITION

146.—(1) This Act, except Parts I and II, applies to ^{Application} offences in respect of which proceedings are commenced after this Act comes into force.

(2) Part I and Part II each applies to offences occurring ^{Idem} after that Part comes into force.

147.—(1) Subject to subsections 2 and 3, the following ^{Repeals} are repealed:

1. *The Summary Convictions Act*, being chapter 450 of the Revised Statutes of Ontario, 1970.
2. *The Summary Convictions Amendment Act, 1971*, being chapter 10.

(2) The enactments repealed by subsection 1 continue in ^{Transition} force in respect of offences to which this Act does not apply.

(3) If subsection 1 comes into force before Part II comes into force, the enactments repealed by subsection 1 continue ^{Application of subs. 1 to parking infractions} to apply in respect of parking infractions.

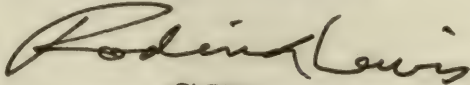
148.—(1) A reference in any Act, regulation or by-law to ^{Reference to R.S.O. 1970, c. 450} *The Summary Convictions Act* shall be deemed to be a reference to this Act.

(2) A reference in any Act, regulation or by-law to ^{References to summary conviction} proceeding by summary conviction shall be deemed to refer to the procedures under this Act.

149. This Act comes into force on a day to be named by ^{Commence-ment} proclamation of the Lieutenant Governor.

150. The short title of this Act is *The Provincial Offences Act, 1979*. ^{Short title}

ASSSENTED TO BY LIEUTENANT-GOVERNOR MARCH 29, 1979


CLERK
LEGISLATIVE ASSEMBLY

THE SECRETARY OF THE ARMY
WASHINGTON, D. C.

TO THE HONORABLE SECRETARY OF THE ARMY
FROM THE HONORABLE SECRETARY OF THE ARMY

RE: [illegible]

[illegible]

[illegible]

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[illegible]

[illegible]

An Act to establish a Code of
Procedure for Provincial Offences

1st Reading

March 6th, 1979

2nd Reading

March 6th, 1979

3rd Reading

March 27th, 1979

THE HON. R. MCMURTRY
Attorney General

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BILL 75 *1 am l. inc*

Op. Op. S. H. H.

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Provincial Courts Act

THE HON. R. MCMURTRY
Attorney General

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 75

1979

An Act to amend The Provincial Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Provincial Courts Act*, being chapter 369 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

(1a) Where jurisdiction is conferred on a judge, justice of the peace or provincial court, in the absence of express provision for procedures therefor in any Act, regulation or rule, the judge, justice of the peace or provincial court shall exercise the jurisdiction in any manner consistent with the due administration of justice.

s. 9,
amended

Where
procedures
not
provided

2. Section 10 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 46, section 1, is further amended by adding thereto the following subsection:

(1a) The chief judge of the provincial courts (criminal division) is chief judge of the provincial offences courts.

s. 10,
amended

Chief judge
of provincial
offences
courts

3. The said Act is amended by adding thereto the following section:

16a.—(1) The rules committee of the provincial courts (criminal division) is established and shall be composed of such members as are appointed by the Lieutenant Governor in Council who shall designate one of the members as chairman.

s. 16a,
enacted

Rules
committee

(2) A majority of the members of the rules committee constitutes a quorum.

Quorum

(3) The rules committee of the provincial courts (criminal division) is a provincial court (criminal division) for the purpose of making rules of court under the *Criminal Code* (Canada).

Rules

R.S.C. 1970,
c. C-34

Part II-A
(ss. 16b-16f),
enacted

4. The said Act is further amended by adding thereto the following Part:

PART II-A

Provincial
offences
court

16b.—(1) There shall be in every county and district a court of record to be styled,

- (a) in counties, the "Provincial Offences Court of the County (or Judicial District or United Counties) of (naming the county, etc.)";
- (b) in districts, the "Provincial Offences Court of the District of (naming the district)",

presided over by a judge or justice of the peace.

Jurisdiction

(2) Each provincial offences court has jurisdiction to hear, determine and dispose of,

1979, c. ...

- (a) all matters in which jurisdiction is conferred by *The Provincial Offences Act, 1979*; and
- (b) any other matter assigned to it by or under any statute.

Sittings

16c.—(1) The provincial offences courts may hold sittings at any place in the county or district designated by the chief judge of the provincial offences courts.

Idem

(2) Where a proceeding in which a provincial offences court has jurisdiction is conducted during the course of a sitting of the provincial court (criminal division) or provincial court (family division) in the same county or district, the proceeding shall be deemed to be conducted in the provincial offences court.

Penalty
for
contempt

16d.—(1) Except as otherwise provided by statute, every person who commits contempt in the face of a provincial offences court is upon conviction liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than thirty days, or to both.

Statement
to
offender

(2) Before proceedings are taken for contempt under subsection 1, the court shall inform the offender of the conduct complained of and the nature of the contempt and inform him of his right to show cause why he should not be punished.

(3) A punishment for contempt in the face of the court shall not be imposed without giving the offender an opportunity to show cause why he should not be punished. Show cause

(4) Except where, in the opinion of the court, it is necessary to deal with the contempt immediately for the preservation of order and control in the courtroom, the court shall adjourn the contempt proceeding to another day. Adjournment for adjudication of contempt

(5) Where a contempt proceeding is adjourned to another day under subsection 1, the contempt proceeding shall be heard and determined by the court presided over by a judge. Adjudication by a judge

(6) Where the court proceeds to deal with a contempt immediately and without adjournment under subsection 4, the court may order the offender arrested and detained in the courtroom for the purpose of the hearing and determination. Arrest for immediate adjudication of contempt

(7) Where the offender is appearing before the court as an agent who is not a barrister and solicitor entitled to practise in Ontario, the court may order that he be barred from acting as agent in the proceeding in addition to any other punishment to which he is liable. Barring of agent in contempt

(8) An order of punishment for contempt under this section is appealable in the same manner as if it were a conviction in proceedings commenced by certificate under Part I of *The Provincial Offences Act, 1979*. Appeals
1979, c. ...

(9) *The Provincial Offences Act, 1979* applies for the purpose of enforcing a punishment by way of a fine or imprisonment under this section. Enforcement

16e. Any person who knowingly disturbs or interferes with the proceedings of a provincial offences court, without reasonable justification, while outside the courtroom is guilty of an offence and upon conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than thirty days, or to both. Penalty for disturbance outside courtroom

16f. Subject to the approval of the Lieutenant Governor in Council, the rules committee of the provincial courts (criminal division) may make rules regulating any matters relating to the practice and procedure of the provincial offences courts including, without limiting the generality of the foregoing, Rules for provincial offences courts

(a) prescribing forms respecting proceedings in the court;

- (b) prescribing any matter required to be or referred to as prescribed by the rules of the court;
- (c) prescribing and regulating the proceedings under any Act that confers jurisdiction upon a provincial offences court or a judge or justice of the peace sitting therein.

s. 27,
amended

5. Section 27 of the said Act is amended by adding thereto the following subsection:

Idem

(1a) The clerk of a provincial court (criminal division) is the clerk of the provincial offences court of the same county or district.

References
to
provincial
courts
(criminal
division)

6. Where, in any Act, regulation or by-law, a reference is made to a provincial court (criminal division) in connection with a provincial offence, the reference shall be deemed to be to a provincial offences court.

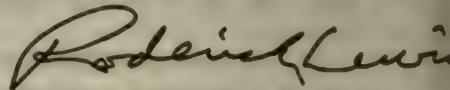
Commence-
ment

7. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

8. The short title of this Act is *The Provincial Courts Amendment Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR MARCH 29, 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Provincial Courts Act

1st Reading

March 6th, 1979

2nd Reading

March 6th, 1979

3rd Reading

March 27th, 1979

THE HON. R. MCMURTRY
Attorney General

BILL 77 *1977-78* *1977-78* *1977-78*

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Crown Timber Act

THE HON. J. A. C. AULD
Minister of Natural Resources

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Crown Timber Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *e* and *g* of section 1 of *The Crown Timber Act*, being chapter 102 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: s. 1 (e) (g),
re-enacted

(*e*) "licence" means a document heretofore or hereafter granted that authorizes the cutting of Crown timber and, subject to subsection 3 of section 5*a*, includes an agreement entered into under subsection 1 of that section;

.

(*g*) "licensee" means a person,

- (i) to whom a licence has been granted,
- (ii) with whom the Minister has entered into an agreement under subsection 1 of section 5*a*,
- (iii) to whom a licence has been assigned with the consent of the Minister, or
- (iv) in whom a licence has become vested by operation of law.

2. Subsection 7 of section 2 of the said Act is repealed and the following substituted therefor: s. 2 (7),
re-enacted

(7) Notwithstanding subsection 1, the Minister may grant a licence to cut Crown timber at such prices and subject to such terms and conditions as he considers proper, if the licensed area does not exceed 160 acres. Licence where
licensed area
not more than
160 acres

s. 4,
re-enacted

3. Section 4 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 23, section 1, is repealed and the following substituted therefor:

Crown
management
units

4. The Minister may designate any public lands and other lands on which trees are vested in Her Majesty in right of Ontario as a Crown management unit and, subject to the approval of the Lieutenant Governor in Council, may enter into agreement with any person for the supply of Crown timber to such person from such unit for such term of years and in such manner as they agree upon.

s. 5 (1),
re-enacted

4. Subsection 1 of section 5 of the said Act is repealed and the following substituted therefor:

Salvage
licences

(1) Where Crown timber that is not subject to a licence has been killed or damaged, the Minister may grant licences to permit the salvage of such timber and the cutting of any other Crown timber that in his opinion should in the interest of economic forest utilization be cut with such killed or damaged timber at such prices and subject to such terms and conditions as he considers proper.

s. 5a,
enacted

5. The said Act is amended by adding thereto the following section:

Authority to
enter into a
forest
management
agreement

5a.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may enter into an agreement with any person for the management of Crown timber on a sustained yield basis and for carrying out all operations necessary for such management and, without restricting the generality of the foregoing, every such agreement shall set out,

- (a) the silvicultural specifications that are to be observed and performed in respect of the harvesting, regeneration and tending of the forest areas that are subject to the agreement; and
- (b) the standards of regeneration to be achieved on the forest areas that are subject to the agreement,

and may provide for,

- (c) the cutting of Crown timber and the prices therefor:
- (d) the cutting of killed or damaged Crown timber and any other Crown timber that in the Minister's opinion should in the interest of economic forest utilization be cut with such killed or damaged Crown timber subject to such

prices, if any, and to such terms and conditions as the Minister and such person may agree upon;

- (e) the construction, reconstruction and maintenance of any road necessary for such management and operations;
- (f) a reduction of the stumpage charges to be paid by such person for any increase in the volume of Crown timber that is cut and is the direct result of any silvicultural treatment applied at the expense of such person;
- (g) the preparation of plans, rules, reports and any other documents necessary for such management and operations; and
- (h) such other terms and conditions as the Minister and such person may agree upon that are not inconsistent with the regulations,

and, except in the case of a provision made under clause *d* or *f*, any such agreement shall be subject to the terms and conditions prescribed in the regulations.

(2) In subsection 1, the expression "sustained yield" means the growth of timber that a forest can produce and that can be cut to achieve a continuous approximate balance between growth of timber and timber cut. Meaning of "sustained yield"

(3) Subsections 2 and 3 of section 5, section 15*a*, clause *b* of section 18, sections 24, 25, 26 and 31 and clause *k* of subsection 1 of section 46 do not apply in respect of an agreement entered into under subsection 1. Certain sections do not apply to agreement

(4) If the Assembly is then in session, the Minister shall, Tabling

- (a) within five days after entering into an agreement under subsection 1 or an amending agreement, lay before the Assembly a copy of the agreement or amending agreement, as the case may be;
- (b) after the end of each year of an agreement entered into under subsection 1, lay before the Assembly a report in respect of the areas harvested, regenerated and tended under such agreement in the year that has ended; and
- (c) after the end of each term of five years of an agreement entered into under subsection 1, lay before the Assembly a report in respect of the relationship between the harvest and growth, including regeneration, of timber during the said term on the area subject to the agreement,

or, if the Assembly is not then in session, at the beginning of the next ensuing session.

s. 12,
re-enacted

6. Section 12 of the said Act is repealed and the following substituted therefor:

Express right
necessary to
cut on certain
lands

12.—(1) A licence does not confer any right to cut Crown timber on lands for which at the time the licence comes into force a patent, lease, licence of occupation, or permit has been issued, unless the right to so cut is expressly conferred by the licence.

No right to
cut on located
or sold lands
R.S.O. 1970,
c. 380

(2) A licence does not confer any right to cut Crown timber on unpatented lands that at the time the licence comes into force have been located or sold under *The Public Lands Act*.

s. 18,
amended

7. Section 18 of the said Act, exclusive of the clauses, is repealed and the following substituted therefor:

Additional
powers

18. Notwithstanding any licence, the Minister may,

.

s. 26 (1),
re-enacted

8. Subsection 1 of section 26 of the said Act is repealed and the following substituted therefor:

Cancellation
or variation of
licence, etc.

(1) Notwithstanding anything in any general or special Act or in any regulation or in any licence or in any management plan or operating plan, the Lieutenant Governor in Council,

(a) having regard to reasonable business requirements of the licensee, may cancel or vary any licence in respect of one or more parts of a licensed area or in respect of any type, size or species of timber designated by him; and

(b) with the consent of the licensee, may cancel or vary any term or condition of a licence.

s. 32 (1),
amended

9. Subsection 1 of section 32 of the said Act, exclusive of the clauses, is repealed and the following substituted therefor:

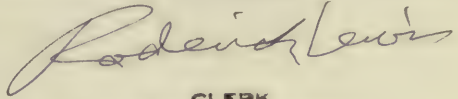
Boards of
examiners,
appointment
and duties

(1) The Minister may in writing appoint boards of examiners, each consisting of three skilled persons, any two of whom form a quorum, whose duty is,

.

10. This Act comes into force on the day it receives Royal Assent. Commence-
ment
11. The short title of this Act is *The Crown Timber Amendment Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC. 20 19 79



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Crown Timber Act

1st Reading

May 4th, 1979

2nd Reading

November 6th, 1979

3rd Reading

December 18th, 1979

THE HON. J. A. C. AULD
Minister of Natural Resources

Lawline by G.S. Han
BILL 80

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Veterinarians Act

THE HON. W. NEWMAN
Minister of Agriculture and Food

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 80

1979

An Act to amend The Veterinarians Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *a* and *b* of subsection 1 of section 8 of *The Veterinarians Act*, being chapter 480 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: s. 8 (1) (a, b),
re-enacted

- (a) respecting the admission and registration of members, prescribing classes of registrations and governing the requirements and qualifications for the granting of registrations or any class thereof and prescribing the terms and conditions on which registrations or any class thereof are granted;
- (b) requiring the payment of fees by members and fees for registration, examinations and continuing education, including penalties for late payment, and fees for anything the registrar is required or authorized to do, and prescribing the amounts thereof.

2. Subsection 2 of section 12 of the said Act is repealed and the following substituted therefor: s. 12 (2),
re-enacted

(2) Where a member does not pay the prescribed fee on or before the 1st day of February of the year for which it is payable, his registration may, after inquiry, be suspended by the council, but any registration so suspended may be reinstated upon payment of the fee and such penalty as the by-laws prescribe. Default in
payment

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. The short title of this Act is *The Veterinarians Amendment Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 22 1979

Rodriguez

An Act to amend
The Veterinarians Act

1st Reading

May 8th, 1979

2nd Reading

June 18th, 1979

3rd Reading

June 18th, 1979

THE HON. W. NEWMAN
Minister of Agriculture and Food

Pauline G. G.S. 1hr
BILL 81

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Hunter Damage Compensation Act**

THE HON. W. NEWMAN
Minister of Agriculture and Food

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 81

1979

An Act to amend The Hunter Damage Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2, 3 and 4 of section 3 of *The Hunter Damage Compensation Act*, being chapter 215 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: s. 3 (2-4),
re-enacted

(2) Subject to subsections 3 and 4, the Minister may, in respect of an application made under subsection 1, pay to the applicant such amount as the Minister considers reasonable, but not exceeding the market value of the live stock or other property at the time of the death, injury or damage in respect of which payment is made. Payment of
compensation

(3) Where an applicant receives an amount under a contract of insurance by reason of the death of or injury to live stock or damage to property for which compensation is payable under this Act, for the purpose of calculating the amount of compensation the market value of the live stock or other property shall be deemed to be reduced by that amount. Reduction
in market
value by
reason of
insurance

(4) No payment shall be made under subsection 2 of an amount in excess of the maximum amount prescribed in the regulations for the live stock or other property. Amount of
payment
limited

2. Section 5 of the said Act is amended by adding thereto the following clause: s. 5,
amended

(ea) prescribing maximum amounts for live stock and other property for the purposes of subsection 4 of section 3.

3. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

4. The short title of this Act is *The Hunter Damage Compensation Amendment Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

JUNE 22 1979

Roderick Lewis

An Act to amend
The Hunter Damage Compensation Act

1st Reading

May 8th, 1979

2nd Reading

June 18th, 1979

3rd Reading

June 18th, 1979

THE HON. W. NEWMAN
Minister of Agriculture and Food

5
BILL 82 *Pauline L. L. L.*

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Dog Licensing and Live Stock and
Poultry Protection Act**

THE HON. W. NEWMAN
Minister of Agriculture and Food

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 82

1979

**An Act to amend
The Dog Licensing and Live Stock and
Poultry Protection Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 13 of section 14 of *The Dog Licensing and Live Stock and Poultry Protection Act*, being chapter 133 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1975, chapter 86, section 2, is repealed and the following substituted therefor:

(13) No municipality shall be liable to an owner for an amount in respect of live stock or poultry in excess of the maximum amount prescribed therefor in the regulations.

s. 14 (13),
re-enacted

2. Clause *d* of section 22 of the said Act, as enacted by the Statutes of Ontario, 1975, chapter 86, section 3, is repealed and the following substituted therefor:

s. 22 (d),
re-enacted

(d) prescribing maximum amounts for,

(i) live stock and poultry or any species or class thereof for the purposes of subsection 13 of section 14, and

(ii) honey bees and hive equipment for the purposes of subsection 3 of section 23.

3. Subsection 3 of section 23 of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 94, section 7, is repealed and the following substituted therefor:

s. 23 (3),
re-enacted

(3) No payment in respect of a colony of honey bees shall exceed the maximum amount prescribed for honey bees and hive equipment in the regulations.

Amount of
payment
limited

Part IV
(ss. 24, 25),
enacted

4. The said Act is amended by adding thereto the following Part.

PART IV

LIMITATION ON AMOUNT OF COMPENSATION

Amount of
payment
limited

24. Subject to subsection 13 of section 14, subsection 3 of section 23 and section 25, where compensation is payable under this Act, the amount payable shall not exceed the market value of the live stock, poultry, honey bees or hive equipment at the time of the death, injury or damage in respect of which payment is made.

Reduction
in market
value by
reason of
insurance

25. Where an owner receives an amount under a contract of insurance by reason of the death of or injury to live stock or poultry or damage to or the destruction of honey bees or hive equipment for which compensation is payable under this Act, for the purpose of calculating the amount of compensation the market value of the live stock, poultry, honey bees or hive equipment shall be deemed to be reduced by that amount.

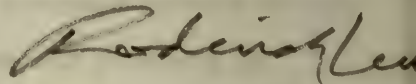
Commence-
ment

5. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

6. The short title of this Act is *The Dog Licensing and Live Stock and Poultry Protection Amendment Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 22, 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Dog Licensing and Live Stock
and Poultry Protection Act

1st Reading

May 8th, 1979

2nd Reading

June 18th, 1979

3rd Reading

June 18th, 1979

THE HON. W. NEWMAN
Minister of Agriculture and Food

BILL 86

Pauline L. L. L.

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Pesticides Act, 1973

THE HON. H. C. PARROTT
Minister of the Environment

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 86

1979

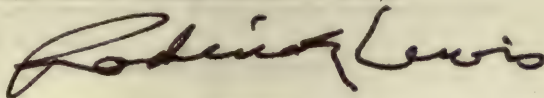
An Act to amend The Pesticides Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 2 of subsection 1 of section 1 of *The Pesticides Act*, s. 1 (1),
1973, being chapter 25, is repealed and the following sub- par. 2,
stituted therefor: re-enacted
 2. "Board" means the Environmental Appeal Board
under Part X of *The Environmental Protection Act*, 1971, c. 86
1971.
2. Section 12 of the said Act is repealed. s. 12,
repealed
3. Paragraph 21 of section 28 of the said Act is repealed. s. 28,
par. 21,
repealed
- 4.—(1) The Environmental Appeal Board shall exercise the Transitional
powers and perform the duties of the Pesticides Appeal
Board in relation to any matter in respect of which the
Pesticides Appeal Board has not completed its duties
before the coming into force of this Act.
- (2) The Environmental Appeal Board may hold a fresh Idem
hearing in any matter referred to in subsection 1 where
the chairman of the Environmental Appeal Board in his
discretion is of the opinion that to do so is necessary or
advisable.
- (3) Any action taken or notice given by the Pesticides Idem
Appeal Board in respect of a matter referred to in sub-
section 1 shall be deemed to have been taken or given,
as the case may be, by the Environmental Appeal Board.
5. This Act comes into force on the day it receives Royal Assent. Commence-
ment
6. The short title of this Act is *The Pesticides Amendment Act*, Short title
1979.

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov. 13 1979





CLERK

An Act to amend
The Pesticides Act, 1973

1st Reading

May 14th, 1979

2nd Reading

October 23rd, 1979

3rd Reading

October 23rd, 1979

THE HON. H. C. PARROTT
Minister of the Environment

Pauline E. E. E. E.
BILL 87

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Conveyancing and Law of Property Act**

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 87

1979

An Act to amend The Conveyancing and Law of Property Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 37 of *The Conveyancing and Law of Property Act*, being chapter 85 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1975 (2nd Session), chapter 19, section 1, is repealed and the following substituted therefor:
 - (2) Where a person who has a leasehold estate in land under a lease,

s. 37 (2).
re-enacted

 - (a) from Ontario Housing Corporation or Ontario Land Corporation; or
 - (b) from the Crown under *The Mining Act* or *The Public Lands Act*,

Merger of
leasehold
in
freehold

R.S.O. 1970,
cc. 274, 380

acquires the freehold estate in the land, the leasehold estate merges in the freehold estate and upon the merging the freehold estate becomes subject to any interest to which the leasehold estate was subject immediately before the merging in the same ranking as to priorities as were then held.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
3. The short title of this Act is *The Conveyancing and Law of Property Amendment Act, 1979*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 14 1979
Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Conveyancing and Law
of Property Act

1st Reading

May 15th, 1979

2nd Reading

May 24th, 1979

3rd Reading

May 24th, 1979

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

Pauline G. G. G.

BILL 88

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Ontario Highway Transport Board Act**

THE HON. J. W. SNOW
Minister of Transportation and Communications

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 88

1979

An Act to amend The Ontario Highway Transport Board Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Ontario Highway Transport Board Act*, being chapter 316 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 62, is repealed and the following substituted therefor:

6.—(1) The chairman may authorize one member of the Board to hear and dispose of any application or reference to the Board, or any rehearing or review under section 17, and that member may exercise all the powers of the Board with respect thereto.

s. 6,
re-enacted

One member
may be
authorized
to hear
application,
etc.

(2) Any decision, order, certificate, report or recommendation of a member of the Board made under subsection 1 shall be deemed to be a decision, order, certificate, report or recommendation of the Board for the purposes of this Act.

Decision
of member

2. Section 13 of the said Act is repealed and the following substituted therefor:
- s. 13,
re-enacted

13.—(1) An order, certificate, report or recommendation made after a hearing is effective upon being signed,

Signing
of orders,
etc.

(a) by the majority of the members who heard the matter; or

(b) where the matter was heard by a member sitting alone or by two members, by that member or those members, as the case may be.

(2) Every order, certificate, report or recommendation to which subsection 1 does not apply is effective upon being signed by two members of the Board.

Idem

Idem

(3) Every document other than an order, certificate, report or recommendation issued by the Board shall be signed by a member of the Board.

s. 18b (4),
re-enacted

- 3.** Subsection 4 of section 18b of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 62, is repealed and the following substituted therefor:

Members at
hearing to
participate
in decision

(4) No member of the Board shall be a party to a decision, order, certificate, report or recommendation made after a hearing unless he was present throughout the hearing and heard the evidence and arguments of the parties and, except with the consent of the parties, no decision, order, certificate, report or recommendation shall be made unless all members so present participate in the making of the decision, order, certificate, report or recommendation.

Where no
majority
agreement

(5) Where a majority of the members of the Board hearing a matter cannot agree on a decision, order, certificate, report or recommendation, the chairman shall notify all parties to the hearing of the failure of a majority to agree and, upon the consent of the parties, assign another member of the Board to participate in the making of the decision, order, certificate, report or recommendation upon such terms as the parties may agree.

Idem

(6) Where the consent required under subsection 5 cannot be obtained, the matter shall be reheard under section 17 before a member or members of the Board who did not participate in the initial hearing.

Commence-
ment

- 4.** This Act comes into force on the day it receives Royal Assent.

Short title

- 5.** The short title of this Act is *The Ontario Highway Transport Board Amendment Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 14, 1979
Robert Leach

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Ontario Highway Transport Board Act

1st Reading

May 15th, 1979

2nd Reading

June 5th, 1979

3rd Reading

June 5th, 1979

THE HON. J. W. SNOW
Minister of Transportation and
Communications

5
1 clause in
BILL 89

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Public Commercial Vehicles Act**

THE HON. J. W. SNOW
Minister of Transportation and Communications

TORONTO

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1979

An Act to amend The Public Commercial Vehicles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *ab* of section 1 of *The Public Commercial Vehicles Act*, being chapter 375 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1973, chapter 166, section 1, is repealed and the following substituted therefor:

s. 1 (*ab*),
re-enacted

(*ab*) “commercial cartage zone” means an area designated as a commercial cartage zone by the regulations;

(*ac*) “commercial motor vehicle” means a commercial motor vehicle as defined in *The Highway Traffic Act*; R.S.O. 1970, c. 202

(*ad*) “commercial vehicle” means,

- (i) a commercial motor vehicle or a combination of a commercial motor vehicle and trailers as defined in *The Highway Traffic Act*,
- (ii) a dual-purpose vehicle or a combination of a dual-purpose vehicle and a trailer as defined in *The Highway Traffic Act*,
- (iii) any other motor vehicle as defined in *The Highway Traffic Act* while drawing a trailer as defined in that Act, the combination of the motor vehicle and trailer constituting the commercial vehicle.

- (2) The said section 1, as amended by the Statutes of Ontario, 1971, chapter 50, section 71 and 1973, chapter 166, section 1, is further amended by adding thereto the following clause:

s. 1,
amended

(ga) "licence plate" means the licence plate issued under this Act in conjunction with a vehicle licence.

s. 1 (k),
re-enacted

- (3) Clause *k* of the said section 1, as re-enacted by the Statutes of Ontario, 1973, chapter 166, section 1, is repealed and the following substituted therefor:

(k) "public commercial vehicle" means a commercial motor vehicle as defined in *The Highway Traffic Act* or a dual-purpose vehicle or the combination of a commercial motor vehicle and trailer or trailers drawn by it, operated by the holder of an operating licence.

s. 1 (m),
amended

- (4) Clause *m* of the said section 1 is amended by striking out "500 gallons" in the seventh line and inserting in lieu thereof "2.3 kilolitres".

s. 1 (p),
amended

- (5) Clause *p* of the said section 1 is amended by striking out "three miles" in the third line and inserting in lieu thereof "five kilometres".

s. 2 (1) (b),
re-enacted

- 2.—(1) Clause *b* of subsection 1 of section 2 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 166, section 2, is repealed and the following substituted therefor:

(b) the commercial vehicle bears a licence plate issued to the operator; and

s. 2 (2),
re-enacted

- (2) Subsection 2 of section 2 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 166, section 2, is repealed and the following substituted therefor:

Exceptions

- (2) Subsection 1 does not apply to prohibit the transportation of,

(a) goods within a commercial cartage zone or an urban zone;

(b) fresh fruit or fresh vegetables grown in continental United States of America;

(c) farm or forest produce, other than live stock or milk, that are the produce of the farm or forest from which they are being transported;

(d) ready mixed concrete; or

(e) domestic and municipal garbage, refuse and trash.

- (3) The said section 2, as amended by the Statutes of Ontario, 1971, chapter 50, section 71 and 1973, chapter 166, section 2, is further amended by adding thereto the following subsections: s. 2,
amended

(3) Every person to whom subsection 1 applies who operates a commercial vehicle on a highway for the transportation for compensation of goods of another person without an operating licence or in contravention of the terms and conditions of his operating licence is guilty of an offence and on summary conviction is liable, Penalty

(a) for a first offence, to a fine of not less than \$250 and not more than \$5,000; and

(b) for each subsequent offence, to a fine of not less than \$500 and not more than \$5,000.

(3a) Where a person who has previously been convicted of an offence mentioned in subsection 3 is convicted of the same or any other offence mentioned in subsection 3 within five years after the date of the previous conviction, the offence for which he is last convicted shall be deemed to be a subsequent offence for the purpose of clause *b* of subsection 3. Subsequent
offences

3. The said Act is amended by adding thereto the following section: s. 2a,
enacted

2a. Where, under the provisions of this Act, a licence is required for the transportation of goods, no person shall hire, directly or indirectly, or participate in an arrangement to hire a person to transport such goods by means of a commercial vehicle knowing that the person hired, by, for or on behalf of whom the commercial vehicle is operated, is not the holder of the required licence. Hiring of
unlicensed
commercial
vehicle

- 4.—(1) Subsection 1 of section 4 of the said Act is amended by striking out “an owner of a public commercial vehicle” in the first and second lines and inserting in lieu thereof “a holder of an operating licence”. s. 4 (1),
amended

- (2) Subsection 2 of the said section 4 is amended by striking out “an owner of a public commercial vehicle” in the first and second lines and inserting in lieu thereof “a holder of an operating licence”. s. 4 (2),
amended

5. Section 5 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 71 and amended by the s. 5,
amended

Statutes of Ontario, 1975 (2nd Session), chapter 7, section 1, is further amended by adding thereto the following subsections:

Special
authority

(4) Where the Minister is of the opinion that public necessity and convenience will be served thereby, he may grant to the holder of an operating licence a special authority that augments his operating licence to the extent set forth in the special authority, subject to the terms and conditions therein, for a period not exceeding seven days.

Act, etc.,
continues
to apply

(5) The provisions of this Act, except sections 6 and 12j, and the regulations, and the terms and conditions of the licensee's operating licence shall continue to apply during the period of validity of the special authority to the extent that they are not inconsistent therewith.

Delegation
by Minister

(6) The Minister may delegate to a member or members of the Board his powers under subsection 4.

Condition
deleted

(7) Every operating licence issued by the Minister under this section, every certificate issued by the Board under section 6 and every certificate issued before the 17th day of October, 1955, by the Ontario Municipal Board under this Act that contains a condition that refers to the City of North Bay and prohibits the transportation of goods to or from any points north of North Bay is hereby amended by the deletion of the condition.

s. 6 (1, 2),
re-enacted;
s. 6 (4),
repealed

6.—(1) Subsections 1 and 2 of section 6 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 71 and amended by the Statutes of Ontario, 1975 (2nd Session), chapter 7, section 2, and subsection 4 of the said section, as enacted by the Statutes of Ontario, 1975 (2nd Session), chapter 7, section 2, are repealed and the following substituted therefor:

Approval
of Board

(1) The Minister shall not issue an operating licence to any person unless the Board, upon the application of that person on the form provided therefor by the Ministry, has, after a hearing of the application as required by *The Ontario Highway Transport Board Act*, approved the issue of the licence to him on the ground that public necessity and convenience warrant the issue of the licence and will be served thereby, and has issued a certificate to that effect to the Minister.

R.S.O. 1970,
c. 316

Certificate

(2) Subject to subsections 3, 10 and 13, the Board may, in a certificate issued by it under this section, having regard to the requirements of public necessity and convenience,

- (a) prescribe terms and conditions to govern the transportation of goods by public commercial vehicles pursuant to the licence;
- (b) approve the conferring by the licence of special, exclusive or limited rights with respect to the operation of public commercial vehicles and with respect to any highway or highways or portions thereof described in the certificate; and
- (c) prescribe that a licence expire at the end of a specified term, upon a specified day or upon the occurrence of a specified event.

(2) The said section 6, as amended by the Statutes of Ontario, 1975 (2nd Session), chapter 7, section 2 and 1976, chapter 22, section 1, is further amended by adding thereto the following subsection: s. 6,
amended

(9) Where the application referred to in subsection 1 is for an operating licence for only the transportation of goods through the Province of Ontario, public necessity and convenience shall be deemed to have been established for the purposes of that subsection upon the applicant filing with the Board evidence satisfactory to the Board that the applicant holds appropriate operating licences issued by the provinces where the transportation by the applicant will originate and terminate. Meaning
of public
necessity
and
convenience
for purposes
of subs. 1

(3) The said section 6 is further amended by adding thereto the following subsection: s. 6,
amended

(10) The Board shall, in a certificate issued by it under this section pertaining to the transportation of logs, timber, rough or dressed lumber, laminated lumber, laminated wood blocks, wooden ties and poles, plywood, particle board, waferboard, fibreboard, veneer, bark, woodchips, shavings, sawdust and wood flour, having regard to the requirements of public necessity and convenience, Lumber
products

- (a) approve the conferring by the licence of rights with respect to the operation of public commercial vehicles in terms of,
 - (i) transportation commencing within a region or regions as prescribed by the regulations and not otherwise geographically, and
 - (ii) the maximum number of vehicles which may be operated; and

- (b) not limit the rights conferred by the licence to the operation of public commercial vehicles to the transportation of materials of specific consignors or consignees.

s. 6,
amended

- (4) The said section 6 is further amended by adding thereto the following subsections:

Applicants
who operated
between
September 30,
1974 and
October 1,
1976

- (11) An application for a probationary operating licence or licences may be made to the Board by a person who has not been the holder of an operating licence at any time between the 30th day of September, 1974 and the 1st day of October, 1976.

Evidence in
support of
application

- (12) In support of an application made under subsection 11, the person making the application shall submit to the Board evidence showing,

- (a) that, from the 1st day of October, 1974 to the 30th day of September, 1976, the applicant operated on a continuing basis one or more commercial vehicles transporting goods for compensation where the operation was not restricted to urban zones;
- (b) the number of commercial vehicles operated by the applicant;
- (c) a description of goods carried and names of the consignors of the goods;
- (d) the points of origin and destination of the goods described under clause c;
- (e) that persons named in clause c support the application;
- (f) that the applicant is financially capable of continuing to provide such transportation services in accordance with this Act and the regulations and of meeting his financial responsibilities to the persons mentioned in clause e; and
- (g) that the applicant was on the date of the application carrying on the business of transporting for compensation goods of another person where the operation was not restricted to urban zones.

Issuance of
certificate

- (13) The Board, upon hearing an application made under subsection 11 and being satisfied with regard only to the

evidence submitted under subsection 12, shall issue a certificate or certificates consistent with such evidence approving the issue of a probationary licence or licences, which certificate or certificates shall state the maximum number of commercial vehicles that may be operated.

(14) Notwithstanding subsection 1 and subject to subsection 17, where the Board has issued a certificate or certificates under subsection 13, the Minister shall issue a probationary licence or licences in accordance with the certificate or certificates containing such terms and conditions as set out in the certificate or certificates.

Issuance of
licence

(15) An application under subsection 11 shall be made not later than 120 days after that subsection comes into force.

Time
limit for
application
under subs. 11

(16) An applicant under subsection 11 shall file with his application a tariff of tolls showing all the rates and charges for the transportation of goods in respect of which the transportation is proposed to be provided or offered by the applicant.

Applicant
to file
tariff

(17) Before a licence is issued by the Minister pursuant to a certificate issued by the Board under subsection 13, the applicant shall file with the Ministry, for each motor vehicle that he proposes to operate under the licence, a safety standards certificate issued under *The Highway Traffic Act* not more than thirty days before the date of filing.

Requirements
prior to
issue of
licence

R.S.O. 1970,
c. 202

(18) A probationary operating licence issued under subsection 14 expires,

Validity of
probationary
operating
licence

(a) upon the Board revoking its certificate under subsection 19; or

(b) where the Board issues a new certificate under subsection 19,

(i) upon the Minister issuing an operating licence under subsection 1 pursuant to the certificate, or

(ii) upon the expiration of three months after the issuance of the new certificate,

whichever first occurs.

(19) The Board shall, not less than one year after the date of issue of a probationary operating licence issued

Review by
Board

R.S.O. 1970,
c. 316

under subsection 14 and as soon after the expiration of the one year as is convenient to the Board, review under section 19 of *The Ontario Highway Transport Board Act* the certificate with respect to the licence and shall revoke the certificate or issue a new certificate approving the issue of an operating licence.

s. 6a,
enacted

7. The said Act is further amended by adding thereto the following section:

Where
certificate
revoked or
amended

6a. Where a certificate issued by the Board under section 6 is revoked or amended, the operating licence issued as a result of that certificate shall be revoked or amended accordingly, and the revocation or amendment of the licence shall be effective on the fifth day after the day notice of the revocation or amendment is mailed by registered mail addressed to the licensee at his last known address.

s. 7 (1),
amended

- 8.—(1) Subsection 1 of section 7 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is amended by striking out "in the prescribed form" in the third line and inserting in lieu thereof "on the form provided therefor by the Ministry".

s. 7,
amended

- (2) The said section 7 is amended by adding thereto the following subsection:

Probationary
licence not
transferable

(1a) No probationary operating licence issued pursuant to an application under subsection 11 of section 6 is transferable.

s. 7 (2),
amended

- (3) Subsection 2 of the said section 7 is amended by inserting after "hearing" in the third line "as required by *The Ontario Highway Transport Board Act*".

s. 9 (1),
re-enacted

- 9.—(1) Subsection 1 of section 9 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is repealed and the following substituted therefor:

Expiry of
licence

(1) An operating licence for which a day for expiry has not been fixed expires on the 1st day of July in each year or on the expiry of all vehicle licences issued pursuant to the operating licence unless before such date or such expiry, as the case may be, the holder of the operating licence has applied for and acquired one or more vehicle licences for the period immediately following such date or such expiry, as the case may be.

s. 9,
amended

- (2) The said section 9 is amended by adding thereto the following subsection:

(3) Subsections 1 and 2 do not apply to an operating licence that by its terms expires at the end of a specified term, upon a specified day or upon the occurrence of a specified event. Where subss. 1 and 2 do not apply

10.—(1) Section 10 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is amended by adding thereto the following clause: s. 10, amended

(ba) where the past conduct of the applicant or licensee or, where the applicant or licensee is a corporation, of its officers or directors affords reasonable grounds for belief that the transportation service will not be operated in accordance with the law and with honesty and integrity.

(2) The said section 10 is further amended by striking out “or” at the end of clause *c*, by adding “or” at the end of clause *d* and by adding thereto the following clause: s. 10, amended

(e) where the licence was issued under subsection 1 of section 6, as a result of the application of subsection 9 of section 6, and the licensee ceases to hold any appropriate operating licence referred to in subsection 9 of section 6.

11. The said Act is further amended by adding thereto the following section: s. 11, enacted

11.—(1) A commercial cartage zone may be designated by the Minister from time to time in accordance with the recommendations of the Board. Designation of commercial cartage zones

(2) Where the Minister proposes to designate a commercial cartage zone or to vary the boundaries of a commercial cartage zone, he shall refer the proposal to the Board and the Board shall hold a public hearing and report thereon to the Minister with its recommendations. Referral to Board

(3) The Minister may, following receipt of the report and recommendations of the Board, under subsection 2, require the Board to hold a new public hearing of the whole or any part of the proposal and to report thereon to the Minister with its recommendations. Idem

(4) A commercial cartage zone shall not exceed one regional municipality, county or district. Limitation

(5) In determining whether to recommend the designation of a commercial cartage zone, the Board shall consider Matters for Board to consider

whether public necessity and convenience will be served thereby by taking into account the impact thereof on the users of for hire transportation services within the area under consideration and on the providers of such services and, in considering the impact on the providers of such services, the Board will take into account the impact on those operating exclusively within areas of the proposed zone to which this Act does not apply and those holding operating licences under this Act who would be affected thereby.

s. 12 (1),
re-enacted

- 12.**—(1) Subsection 1 of section 12 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 71, and amended by the Statutes of Ontario, 1973, chapter 166, section 5, is repealed and the following substituted therefor:

Issue of
vehicle
licence

(1) Subject to section 12*c*, the holder of an operating licence is entitled, upon application to the Minister on the form provided therefor by the Ministry and payment of the prescribed fee, to be issued vehicle licences by the Minister.

s. 12 (2),
re-enacted

- (2) Subsection 2 of the said section 12, as amended by the Statutes of Ontario, 1973, chapter 166, section 5, is repealed and the following substituted therefor:

Limit
on vehicle
licences

(2) Notwithstanding subsection 1, the holder of an operating licence is not entitled to be issued or to hold more vehicle licences than he has commercial vehicles registered in his name or leased in accordance with this Act and the regulations.

s. 12*a*,
re-enacted

- 13.** Section 12*a* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is repealed and the following substituted therefor:

Vehicle
licence

12*a*.—(1) A vehicle licence authorizes the holder to operate a vehicle on which a licence plate is displayed as a public commercial vehicle providing the transportation designated in his operating licence.

Expiry of
vehicle
licence

(2) A vehicle licence expires at the end of the last day of the period for which the licence was issued.

Display of
licence
plate

(3) Subject to subsection 4, a licence plate shall not be displayed on a commercial motor vehicle unless the vehicle licence was issued for that vehicle.

Where
subs. 3 does
not apply

(4) Subsection 3 does not apply if,

- (a) the holder of the vehicle licence is within a class of licensees prescribed for the purposes of this subsection;

- (b) the commercial motor vehicle is within a class of motor vehicles prescribed for the purposes of this subsection; or
- (c) the operating licence under the authority of which the vehicle licence was issued is within a class prescribed for the purposes of this subsection.

(5) For the purposes of subsection 4, the Lieutenant Governor in Council may make regulations prescribing,

- (a) classes of holders of operating licences;
- (b) classes of commercial motor vehicles;
- (c) classes of operating licences.

14. Subsection 2 of section 12*b* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is repealed and the following substituted therefor:

s. 12*b* (2),
re-enacted

(2) No person shall operate a public commercial vehicle on a highway unless there is attached thereto, and exposed in a conspicuous position, a licence plate issued by the Minister to the operator of that vehicle showing the number of the vehicle licence issued for the current year.

Licence
plate

(3) Where a licence plate is exposed on a commercial vehicle, the holder of the operating licence under the authority of which that licence plate and corresponding vehicle licence was issued shall be deemed to be the operator of that vehicle for the purposes of this Act unless the licence plate was exposed thereon without his consent, the burden of proof of which shall be on the licensee.

Holder of
operating
licence
deemed
to be
operator

(4) The holder of an operating licence shall not operate a public commercial vehicle unless he is the registered owner of the vehicle under *The Highway Traffic Act* or he has entered into an agreement for a lease of the vehicle in accordance with this Act and the regulations.

Ownership
of vehicle

R.S.O. 1970,
c. 202

15. Section 12*c* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is repealed and the following substituted therefor:

s. 12*c*,
re-enacted

12*c*. Subject to section 12*i*, the Minister may refuse to issue or may cancel a vehicle licence if the applicant or licensee is not, or ceases to be, the holder of an operating licence or ceases to comply with subsection 2 of section 12.

Refusal to
issue or
cancellation
of vehicle
licence

s. 12*f*,
amended

- 16.** Section 12*f* of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 166, section 7, is amended by striking out "in the prescribed form" in the third line and inserting in lieu thereof "on the form provided therefor by the Ministry".

s. 12*k*,
re-enacted

- 17.** Section 12*k* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is repealed and the following substituted therefor:

Form and
publication
of tariff

12*k*. A tariff of tolls shall be filed in a form satisfactory to the Board and published and maintained available to the public.

s. 12*m*,
repealed

- 18.** Section 12*m* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is repealed.

s. 12*n* (2-6),
re-enacted

- 19.** Subsections 2 to 6 of section 12*n* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 71, are repealed and the following substituted therefor:

Contents

(2) A bill of lading shall contain such information as may be prescribed by regulation together with an acknowledgment of receipt by the carrier or the freight forwarder of the goods therein described indicating whether the goods were received in apparent good order and condition and an undertaking to carry the goods for delivery to the consignee or the person entitled to receive the goods and shall be signed in full by, or on behalf of, the issuing carrier or issuing freight forwarder and by the consignor as accepting the terms and conditions contained, or deemed to be contained, therein.

Signed
copy to be
retained

(3) A signed copy of the bill of lading shall be retained by the consignor and by the carrier.

Copy of
bill of
lading to
be carried
by driver

(4) Every driver operating a public commercial vehicle shall carry on each trip a copy of the bill of lading and shall produce it when required for inspection by a member of the Ontario Provincial Police Force or an officer of the Ministry.

Idem

(5) Where a carrier is transporting goods on behalf of a freight forwarder, the driver transporting the goods by public commercial vehicle shall carry on each trip a copy of the bill of lading issued by the freight forwarder and shall produce it when required for inspection by a member of the Ontario Provincial Police Force or an officer of the Ministry.

Carrier's
waybill
carried in
lieu of
bill of
lading

(6) Notwithstanding subsections 4 and 5, a carrier's waybill, containing such information as may be prescribed by regulation, may be carried by any driver operating a public commercial vehicle or transporting goods on behalf of a

freight forwarder and may be produced in lieu of a bill of lading when such is required for inspection by a member of the Ontario Provincial Police Force or an officer of the Ministry.

(7) Where any shipment of goods is carried on more than one vehicle, the carrier shall ensure that every part of the shipment is accompanied by a copy of the bill of lading or by a waybill mentioned in subsection 6. Carrier's responsibility

- 20.** Section 15a of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is repealed and the following substituted therefor: s. 15a,
re-enacted

15a. Every driver of a public commercial vehicle on a highway shall carry or keep in a readily accessible place in the vehicle, the vehicle licence corresponding to the licence plate exposed on the vehicle together with a copy of the conditions set out in the operating licence under which the vehicle is being operated, which documents shall be produced upon the demand of a member of the Ontario Provincial Police Force or an officer of the Ministry. Vehicle licence, etc., to be carried by driver

- 21.** Clause *d* of subsection 3 of section 15b of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 166, section 10, is repealed and the following substituted therefor: s. 15b (3) (d),
re-enacted

(d) copies of any bills of lading or waybills,

- 22.** Subsection 1 of section 15c of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is amended by inserting after "vehicles" in the fourth line "or of the holder of a freight forwarder's licence relating to his business as a freight forwarder". s. 15c (1),
amended

- 23.** Section 16 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 166, section 12, is repealed and the following substituted therefor: s. 16,
re-enacted

16. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on summary conviction, where a penalty for the contravention is not otherwise provided for herein, is liable to a fine of not less than \$150 and not more than \$1,500. Penalty

- 24.—**(1) Clause *a* of section 18 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is repealed and the following substituted therefor: s. 18 (a),
re-enacted

(a) prescribing classes of licences and the forms of licences.

s. 18,
amended

(2) the said section 18, as amended by the Statutes of Ontario, 1971, chapter 50, section 71, 1973, chapter 166, section 13 and 1975 (2nd Session), chapter 7, section 3, is further amended by adding thereto the following clauses:

(j) prescribing the form and contents of a waybill;

.

(t) governing the issue and renewal of operating licences and classes of operating licences;

(u) prescribing the qualifications of applicants for and holders of operating licences or any class or classes of operating licences;

(v) exempting holders of any class or classes of operating licences from any of the provisions of section 12j or 12n;

(w) prescribing terms which shall be incorporated into all leases referred to in subsection 4 of section 12b;

(x) prescribing procedures for the filing and obtaining of approval of leases for the purposes of subsection 4 of section 12b.

ss. 19, 20,
enacted

25. The said Act is further amended by adding thereto the following sections:

Policy
statements

19.—(1) The Lieutenant Governor in Council may by order from time to time issue policy statements setting out matters to be considered by the Board when determining questions of public necessity and convenience and the Board shall take such matters into consideration together with such other matters as the Board considers appropriate where the hearing or review is commenced after the policy statement is gazetted.

Publication

(2) An order made under subsection 1 shall be published in *The Ontario Gazette*.

Investigation
directed by
Minister

20.—(1) The Minister may direct the Board to examine and investigate such matters relating to transportation

policy as are referred to it by the Minister and the Board shall report thereon to the Minister.

(2) For the purposes of subsection 1, the Board may hold ^{Hearings by Board} such hearings as it considers necessary.

26. Schedules A and B to the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 71, are repealed. ^{Schedules A, B, repealed}

27.—(1) This Act, except section 3, subsections 2, 3 and 4 of section 6, subsection 2 of section 8, subsection 2 of section 10 and sections 19, 21 and 26, comes into force on the day it receives Royal Assent. ^{Commence-ment}

(2) Section 3 comes into force on the 1st day of August, 1979. ^{Idem}

(3) Subsections 2, 3 and 4 of section 6, subsection 2 of section 8, subsection 2 of section 10, and sections 19, 21 and 26 come into force on a day to be named by proclamation of the Lieutenant Governor. ^{Idem}

28. The short title of this Act is *The Public Commercial Vehicles Amendment Act, 1979*. ^{Short title}

ASSENTED TO BY LIEUTENANT-GOVERNOR

JUNE 22, 79

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Public Commercial Vehicles Act

1st Reading

May 15th, 1979

2nd Reading

June 19th, 1979

3rd Reading

June 19th, 1979

THE HON. J. W. SNOW
Minister of Transportation and
Communications

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3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Highway Traffic Act**

THE HON. J. W. SNOW
Minister of Transportation and Communications

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 7a of subsection 1 of section 1 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1973, chapter 167, section 1, is repealed and the following substituted therefor:

s. 1 (1) par. 7a,
re-enacted

7a. "driver" means a person who drives a vehicle on a highway.

- (2) Paragraph 26 of subsection 1 of the said section 1 is repealed and the following substituted therefor:

s. 1 (1) par. 26,
re-enacted

26. "road-building machine" means a self-propelled vehicle of a design commonly used in the construction or maintenance of highways, including but not limited to,

- i. asphalt spreaders, concrete paving or finishing machines, motor graders, rollers, tractor-dozers and motor scrapers,
- ii. tracked and wheeled tractors of all kinds while equipped with mowers, post-hole diggers, compactors, weed spraying equipment, snow blowers and snow plows, front-end loaders, back-hoes or rock drills, and
- iii. power shovels on tracks and drag lines on tracks,

but not including a commercial motor vehicle.

s. 14 (1),
re-enacted

- 2.**—(1) Subsection 1 of section 14 of the said Act is repealed and the following substituted therefor:

As to
carrying
licences and
production on
demand

(1) Every operator of a motor vehicle shall carry his licence with him at all times while he is in charge of a motor vehicle and shall surrender the licence for reasonable inspection upon the demand of a constable or officer appointed for carrying out the provisions of this Act.

s. 14 (2),
amended

- (2) Subsection 2 of the said section 14 is amended by striking out "produce" in the first line and inserting in lieu thereof "surrender".

s. 57a,
amended

- 3.** Section 57a of the said Act, as enacted by the Statutes of Ontario, 1975 (2nd Session), chapter 6, section 1, and amended by the Statutes of Ontario, 1976, chapter 37, section 6, is further amended by adding thereto the following subsection:

Where
subs. 1
does not
apply

(1a) Subsection 1 does not apply to an operator of a vehicle of a class or type prescribed by the regulations who produces evidence that the vehicle has met the inspection requirements and performance standards of a reciprocating province or state designated by the regulations.

s. 57c,
amended

- 4.** Section 57c of the said Act, as enacted by the Statutes of Ontario, 1975 (2nd Session), chapter 6, section 1, is amended by adding thereto the following clause:

(aa) designating reciprocating provinces and states and prescribing types and classes of vehicles for the purposes of subsection 1a of section 57a.

s. 65 (1) (b),
amended

- 5.** Clause b of subsection 1 of section 65 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 2, is amended by striking out "road maintenance" in the first line and inserting in lieu thereof "road-building".

s. 67 (2),
amended

- 6.** Subsection 2 of section 67 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 1, is amended by striking out "commercial" in the second line and in the sixth line.

s. 74 (1),
amended

- 7.**—(1) Subsection 1 of section 74 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 3, is amended by striking out "the least of" in the fourth line.

s. 74 (2),
amended

- (2) Subsection 2 of the said section 74 as amended by the Statutes of Ontario, 1978, chapter 4, section 16, is further amended by inserting after "least" in the second line "of the weights referred to in subsection 1".

8. Subsection 8 of section 77 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 3, is amended by striking out "or" at the end of clause *a*, by adding "or" at the end of clause *b* and by adding thereto the following clause:

(c) fire apparatus.

- 9.—(1) Subsection 5 of section 78 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 3, is repealed and the following substituted therefor:

(5) Where it is found that the gross vehicle weight, axle unit weight or axle group weight of any vehicle or combination of vehicles is in excess of the limits permitted under this Act or the regulations, or the permit issued for the vehicle or combination of vehicles, the police officer or officer appointed for carrying out the provisions of this Act may require the driver to redistribute or remove so much of the load as is necessary to ensure compliance with this Act, the regulations and the permit.

- (2) Clause *b* of subsection 6 of the said section 78 is repealed and the following substituted therefor:

(b) when required, pursuant to subsection 5, to redistribute or remove part of a load refuses or fails to do so or to make arrangements to do so; or

.

- 10.—(1) Subsection 1 of section 96 of the said Act is repealed and the following substituted therefor:

- (1) In this section,

Interpre-
tation

(a) "emergency vehicle" means,

- (i) a fire department vehicle while proceeding to a fire or answering, but not returning from, a fire alarm call,
- (ii) a vehicle while used by a person in the lawful performance of his duties as a police officer, or
- (iii) an ambulance while responding to an emergency call or being used to transport a patient or injured person in an emergency situation;

(b) "intersection" includes any portion of a highway distinctly indicated as a crossing place for pedestrians by lines or other markings on the surface of the highway.

s. 96,
amended

(2) The said section 96, as amended by the Statutes of Ontario, 1974, chapter 123, section 25, 1977, chapter 54, section 13, 1978, chapter 90, section 11, is further amended by adding thereto the following subsection:

Exception
to subs. 5

(5a) Notwithstanding subsection 5, where an emergency vehicle, upon which a siren is continuously sounding and upon which a lamp is producing intermittent flashes of red light visible from all directions, is brought to a full stop at a red signal-light, the driver of the emergency vehicle may, after ascertaining that such movement can be made in safety, proceed through the intersection without waiting for a green signal-light to be shown.

s. 96a,
enacted

11. The said Act is amended by adding thereto the following section:

Portable
signal-
lights

96a.—(1) Notwithstanding subsection 20 of section 96, during construction or maintenance activities on or adjacent to a highway, a portable lane control signal system may be operated on the highway in accordance with the regulations by the authority having jurisdiction and control of the highway, or any person authorized by that authority.

Driver rules,
on green

(2) Where a green signal-light is shown by a portable lane control signal system, the driver or operator of a vehicle or car of an electric railway that is approaching and facing the light may proceed.

red

(3) Where a red signal-light is shown by a portable lane control signal system, every driver or operator of a vehicle or car of an electric railway that is approaching and facing the light shall bring his vehicle or car to a full stop at a sign or marking on the roadway indicating where the stop shall be made or, in the absence of any such sign or marking, at the red signal-light and shall not proceed until a green light is shown.

amber

(4) Where an amber signal-light is shown by a portable lane control signal system, every driver or operator of a vehicle or car of an electric railway that is approaching and

facing the light shall bring his vehicle or car to a full stop at a sign or marking on the roadway indicating where the stop shall be made or, in the absence of any such sign or marking, at the amber signal-light, provided that, where a vehicle or car cannot be brought to a stop at an amber signal-light in safety, it may proceed with caution.

(5) No person shall without lawful authority remove, deface or otherwise interfere with a portable lane control signal system.

Removing,
etc., lane
control
device

(6) The Lieutenant Governor in Council may make regulations,

Regulations
re portable
lane control
devices

(a) prescribing the standards or specifications of portable lane control signal systems;

(b) prescribing the location where portable lane control signal systems may be erected;

(c) prescribing standards for maintaining portable lane control signal systems.

12.—(1) Subsection 1 of section 120 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 123, section 29, is amended by inserting after "children" in the second line "or mentally retarded adults" and by inserting after "school" in the second line "or a training centre".

s. 120 (1),
amended

(2) Subsection 3 of the said section 120, as re-enacted by the Statutes of Ontario, 1975, chapter 64, section 1, is amended by inserting after "children" in the third line "or mentally retarded adults" and by inserting after "children" in the eighth line "or mentally retarded adults".

s. 120 (3),
amended

(3) Subsection 5 of the said section 120 is amended by inserting after "children" in the fourth line "or mentally retarded adults" and by adding at the end thereof "or a training centre".

s. 120 (5),
amended

(4) Subsection 6 of the said section 120, as amended by the Statutes of Ontario, 1974, chapter 123, section 29, 1975, chapter 64, section 1 and 1977, chapter 54, section 14, is further amended by adding at the end of clause *a* "or for transporting mentally retarded adults to and from a training centre", and by striking out clauses *h* and *i* and inserting in lieu thereof the following clause:

s. 120 (6),
amended

(h) requiring the retention of prescribed books within vehicles or any class or type thereof and prescribing

the information to be contained and the entries to be recorded in the books.

s. 124a,
enacted

- 13.** The said Act is further amended by adding thereto the following section:

Deposit
of snow
on roadway

124a. No person shall deposit snow or ice on a roadway without permission in writing so to do from the Ministry or the road authority responsible for the maintenance of the road.

Commence-
ment

- 14.** This Act comes into force on the day it receives Royal Assent.

Short title

- 15.** The short title of this Act is *The Highway Traffic Amendment Act, 1979.*

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 22 1979

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Highway Traffic Act

1st Reading

May 15th, 1979

2nd Reading

June 5th, 1979

3rd Reading

June 19th, 1979

THE HON. J. W. SNOW
Minister of Transportation and
Communications

1 Pauline L. L. L. L.

BILL 92

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Railways Act

THE HON. J. W. SNOW
Minister of Transportation and Communications

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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BILL 92

1979

An Act to amend The Railways Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 164 of *The Railways Act*, being chapter 331 of the Revised Statutes of Ontario, 1950, is amended by striking out "\$25" in the third line and inserting in lieu thereof "\$500". s. 164,
amended
2. Section 293 of the said Act is amended by striking out "\$20" in the sixth line and inserting in lieu thereof "\$500". s. 293,
amended
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. The short title of this Act is *The Railways Amendment Act*, Short title
1979.

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 14 1979

Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Railways Act

1st Reading

May 17th, 1979

2nd Reading

June 5th, 1979

3rd Reading

June 5th, 1979

THE HON. J. W. SNOW
Minister of Transportation
and Communications

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to provide for the holding
of Land by Religious Organizations**

THE HON. R. MCMURTRY
Attorney General

BILL 93

1979

An Act to provide for the holding of Land by Religious Organizations

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “meeting” means a meeting of the members of a religious organization that has been called by notice in accordance with section 18;
- (b) “religious organization” means an association of persons,
 - (i) that is charitable according to the law of Ontario,
 - (ii) that is organized for the advancement of religion and for the conduct of religious worship, services or rites, and
 - (iii) that is permanently established both as to the continuity of its existence and as to its religious beliefs, rituals and practices,

and includes an association of persons that is charitable according to the law of Ontario and that is organized for the advancement of and for the conduct of worship, services or rites of the Buddhist, Christian, Hindu, Islamic, Jewish, Baha'i, Longhouse Indian, Sikh, Unitarian or Zoroastrian faith, or a subdivision or denomination thereof;

- (c) “trustees” means the trustees appointed by a religious organization to acquire, hold and possess land for its benefit, and includes their successors.

(2) In interpreting subclause i of clause b of subsection 1, ^{Idem} an organization does not cease to be charitable for the

reason only that activities that are not charitable but are merely ancillary to a charitable purpose are carried on in conjunction with a charitable purpose.

Derivative
organizations

(3) Where a separate religious organization is formed out of an existing religious organization, whether voluntarily or otherwise, and the new organization meets the requirements of subclauses i and ii of clause *b* of subsection 1, it shall nevertheless be considered to be a religious organization for the purposes of this Act. *New.*

Acquisition
and holding
of land

2. A religious organization may acquire and hold land for the purpose of,

- (a) a place of worship;
- (b) a residence for its religious leader;
- (c) a burial or cremation ground;
- (d) a bookstore or a printing or publishing office;
- (e) a theological seminary or similar institution of religious instruction;
- (f) a religious camp, retreat or training centre; or
- (g) any other religious purpose,

in the name of trustees, individually or by collective designation, and their successors in perpetual succession for the benefit of the religious organization. R.S.O. 1970, c. 411, s. 1 (1), *amended.*

Appointment
and tenure
of trustees

3.—(1) A religious organization may by resolution adopted at a meeting of the organization,

- (a) appoint trustees and fill any vacancy in the office of trustee;
- (b) provide for the retirement or removal of trustees and for the appointment of their successors;
- (c) remove any trustee from office;
- (d) decrease or increase the number of trustees;
- (e) confer upon trustees the power to acquire, hold and possess land for one or more of the purposes set out in section 2.

(2) Unless the constitution or a resolution of the religious organization otherwise provides, a trustee holds office until he dies, resigns or ceases to be a member of the organization. Termination of office

(3) Where a vacancy occurs in the number of the trustees of a religious organization, until the vacancy is filled, the remaining trustees then in office have all the estate in and title to the land of the organization and have all the powers conferred by this Act with respect thereto as were originally vested in the whole number. Powers of trustees where vacancy

(4) A trustee appointed to fill a vacancy together with the trustees originally appointed or subsequently appointed and who remain in office have all the estate, title and powers vested in the original trustees. Powers of successor trustees

(5) Where no trustees of a religious organization remain in office, the land to which the organization is entitled vests automatically in trustees subsequently appointed by the organization and their successors without the necessity of any conveyance. Vesting of land in successor trustees

(6) Where a religious organization is entitled to land and the manner of appointing trustees or their successors is not set out in the instrument granting or devising the land, it vests automatically in the trustees appointed under subsection 1 and their successors to be held in trust for the organization without the necessity of any conveyance. *New.* Where successor trustees not provided for

4. Where, under the constitution, customs or practices of a religious organization, its property is vested in one person, the person shall be deemed to be a trustee and has the powers and duties of trustees under this Act. *New.* Property vested in one person

5.—(1) Each of two or more religious organizations may by resolution appoint joint trustees and provide for the appointment of their successors and may enter into agreements respecting the holding of land for their joint benefit by such joint trustees for any of the purposes enumerated in section 2 and all the provisions of this Act apply with necessary modifications to such joint trustees. Joint trustees

(2) Where land referred to in subsection 1 was, before the agreement, held by different bodies of trustees, the religious organizations may direct them in the agreement or otherwise to convey or transfer the land to the joint trustees appointed in accordance with subsection 1 and their successors. R.S.O. 1970, c. 411, ss. 14, 18 (1), *amended.* Conveyance to joint trustees

Authorization
required to
exercise of
powers

6.—(1) The trustees of a religious organization shall not exercise any of the powers conferred upon them by this Act until they are authorized to do so by resolution of the organization, and the organization may attach such terms or conditions to any such authorization as it considers expedient.

Authorization
in case of
joint
trustees

(2) In the case of joint trustees for two or more religious organizations, the authorization shall be obtained by resolutions adopted by each religious organization for whose benefit land is or is to be held. *New.*

Power to
enter into
agreements
to purchase
land

7. The trustees of a religious organization may enter into agreements to purchase land for the benefit of the organization for any of the purposes of this Act. *New.*

Power to
conduct
actions

8. The trustees of a religious organization may, individually or by collective designation, maintain and defend actions for the protection of the land and of the interest of the religious organization therein. *New.*

Power to
mortgage
land

9.—(1) The trustees of a religious organization may secure any debt contracted for the acquisition or improvement of land under this Act, or for the building, repairing, extending or improving of any buildings thereon, by a mortgage or charge on all or any part of the land of the organization. R.S.O. 1970, c. 411, s. 4, *amended.*

Power to
release
equity of
redemption

(2) If a mortgage or charge on land held by the trustees of a religious organization for the benefit of the organization is in arrears as to principal or interest, or both, the trustees may release, transfer or convey to the mortgagee or chargee or his assigns the equity of redemption in the land, or any part thereof, in satisfaction of the whole or any part of the debt. *New.*

Power to
lease

10.—(1) The trustees of a religious organization may lease, for one term of forty years or for more than one term of not more than forty years in all, any land held by them for the benefit of the organization which is no longer required by it for any of the purposes enumerated in section 2, at such rent and upon such terms and conditions as they consider expedient.

Power to
agree to
renewal
terms

(2) In any such lease, the trustees,

(a) may, subject to the forty year maximum period specified in subsection 1, agree for the renewal thereof at the expiration of any or every term of

years for a further term or terms at such rent and on such terms and conditions as may be agreed; or

- (b) may agree to pay to the lessee, his heirs, executors, administrators, successors or assigns a sum equal to the value of any buildings or other improvements that may at the expiration of any term be on the demised land.

(3) The method of ascertaining the amount of the rent during any renewal term or the value of the buildings or other improvements to be paid at the end of any term may be specified in the original or in any subsequent lease. Method of ascertaining rent
R.S.O. 1970, c. 411, s. 6 (1, 2), *amended*.

(4) The trustees may take all proceedings for the recovery of rent or arrears of rent and of the demised land that landlords are entitled by law to take. Recovery of rent and the land
R.S.O. 1970, c. 411, s. 6 (4), *amended*.

(5) A religious organization may by resolution give its trustees a general authorization to lease any land held by them for terms not exceeding three years per term and when so authorized the trustees may, without further authorization, lease the land from time to time for a term or terms not exceeding three years per term. Power to enter into short term leases
New.

11. The trustees of a religious organization may, upon such terms and conditions as the organization may by resolution approve, grant easements or enter into covenants in respect of land held by them. Easements and covenants
New.

12.—(1) The trustees of a religious organization may, upon such terms and conditions as the organization may by resolution approve, sell or exchange at any time land held by them if the organization has by resolution determined that the land is no longer necessary for its purposes. Power to sell

(2) When land of a religious organization is not required for its actual occupation for a purpose set out in section 2 and is not leased under section 10, *The Mortmain and Charitable Uses Act* applies in the same manner as if the land were then assured to the religious organization for charitable purposes. Surplus land subject to R.S.O. 1970, c. 280, s. 7

(3) Subsection 1 does not affect any special powers or trusts for sale contained in any instrument inconsistent therewith. Special powers not affected
R.S.O. 1970, c. 411, s. 7, *amended*.

Conveyance
to trustees
of new
religious
organization

13. The trustees of a religious organization out of which a separate religious organization is formed may convey or transfer to the trustees of the separate organization such part of the land held by them as is appropriate. R.S.O. 1970, c. 411, s. 9, *amended*.

Conveyance
where
religious
organizations
unite

14. Where a religious organization desires to unite with another religious organization, the trustees of either organization may convey or transfer any land held by them to the trustees of the other religious organization or to the trustees of the united religious organization. R.S.O. 1970, c. 411, s. 10, *amended*.

Conveyance
to denomi-
national
board or
trustees

15. The trustees of a religious organization may convey or transfer any land held by them for the benefit of the organization to an incorporated board or to trustees of the denomination or subdivision thereof of which the organization forms a part. R.S.O. 1970, c. 411, s. 11, *amended*.

Duty to account

16. The trustees of a religious organization selling or leasing land under the authority of this Act shall on the first Monday in June in each year have ready and open for the inspection of the members of the organization a detailed statement showing the rents that accrued during the preceding year and all sums in their hands for the use and benefit of the organization that were in any manner derived from land under their control or subject to their management, and also showing the application of any portion of the money that has been expended on behalf of the organization. R.S.O. 1970, c. 411, s. 16, *amended*.

Resolutions

17. A resolution respecting any of the purposes of this Act is adopted if the majority of those present at the meeting called for that purpose and entitled to vote thereat vote in favour of the resolution. *New*.

Notice of
meeting

18.—(1) A notice calling a meeting of a religious organization for any of the purposes of this Act,

(a) shall specify the purpose of the meeting; and

(b) shall be given in accordance with the constitution, practice or custom of the religious organization.

Idem

(2) Where the constitution, practice or custom of a religious organization has no provision for the giving of notice calling a meeting, at least two weeks notice shall be given personally or by mail, or notice may be given by announcement at an open service at least once in each of the two weeks immediately preceding the week in which the meeting

is proposed to be held. R.S.O. 1970, c. 411, ss. 3 (2), 8 (2), *amended*.

19.—(1) A copy of a resolution adopted under this Act shall be signed by the chairman and the secretary of the meeting at which it was adopted and shall be entered in the minute book or other record kept for that purpose. R.S.O. 1970, c. 411, s. 15 (1), *part, amended*. Keeping of records

(2) A copy of a resolution adopted under this Act, certified as being a true copy by an officer of the organization, is *prima facie* proof of the matters therein stated. R.S.O. 1970, c. 411, s. 15 (3), *amended*. Evidence

(3) Failure to comply with subsection 1 does not invalidate the resolution or anything done under it. *New*. Omissions

20. Any instrument affecting land made by or to trustees under this Act shall be expressed to be made under this Act, but failure to do so does not render the instrument void. *New*. Instruments made pursuant to Act

21.—(1) Where letters patent from the Crown or a grant, conveyance or devise made before this Act comes into force is made to persons described as trustees for a religious organization and to their successors, this Act applies to them and to the religious organization in the same manner as if the persons were duly appointed as trustees under this Act. Former conveyance

(2) Where more than one letters patent from the Crown, grant, conveyance or devise have been made for the benefit of a religious organization under different names, the organization may at a meeting by resolution adopt one of the names or another name as the name in which its trustees shall hold the land thereafter. *New*. Use of several names

22. A change in the name of a religious organization or manner in which the trustees are described does not affect the title to land held by the organization or its trustees in the former name. R.S.O. 1970, c. 411, s. 1 (3), *amended*. Change of name

23.—(1) Where a religious organization has ceased to exist, or where the authorization required under section 6 cannot be obtained for any reason other than a dispute among the members of the organization concerning the organization's property, the persons in whom the land of the organization is vested as trustees or, upon their failure to do so or where no trustees remain in office, any interested Application to court for directions where religious organization has ceased to exist

person or the Public Trustee may apply in a summary way to the Supreme Court or to the county or district court of the county or district in which the land or any part thereof is situate for directions, and the court may authorize the trustees or may appoint and authorize any other person to exercise any of the powers conferred by this Act.

Power of
court to
direct sale

(2) Upon such an application, the court may direct that the land or any part thereof be disposed of or that it or the proceeds of sale thereof be distributed in such manner as it considers proper, and the court may make such vesting orders as are expedient in the circumstances. *New.*

Applications
to court as to
applicability
of Act

24.—(1) Any organization or other body that wishes to have determined whether or not it is entitled to acquire, hold and possess land under this Act may at any time apply in a summary way to the Supreme Court or to the county or district court of the county or district in which the land in question or any part thereof is situate, and the court may determine the matter.

Applications
to court by
Public
Trustee

(2) In like manner, the Public Trustee may apply to have determined whether any organization or other body that purports to hold and possess or that intends to acquire, hold and possess land under this Act is entitled to do so. *New.*

Removal of
proceeding
into Supreme
Court

25.—(1) Where an application under subsection 1 of section 23 or under section 24 is made to a county or district court, any interested party may, by notice served on the applicant and on any other interested parties, if any, and filed with proof of service thereof with the clerk of the county or district court not later than two days preceding the day of return of the application, require the proceeding to be removed into the Supreme Court.

Transmission
of papers to
Supreme
Court

(2) Upon the filing of the notice and proof of service thereof, the clerk of the county or district court shall forthwith transmit the papers to the office of the Supreme Court in the county or district in which the application was made.

Proceedings
in Supreme
Court

(3) The proceeding is removed to the Supreme Court when the papers are received at the office of the Supreme Court. *New.*

Notice to
Public
Trustee

26.—(1) Notice of an application under subsection 1 of section 23 or subsection 1 of section 24 shall be given by the applicant to the Public Trustee.

(2) In any other proceeding in which the application of this Act is in issue, the court may direct that notice be given to the Public Trustee. *New.* Idem

27.—(1) This Act is subject to any special Act applying to a religious organization. Subject to special Acts

(2) This Act is subject to any trusts or powers of trustees in any deed, conveyance or other instrument. R.S.O. 1970, c. 411, s. 17, *amended.* Subject to trust instruments

28. *The Religious Institutions Act*, being chapter 411 of the Revised Statutes of Ontario, 1970, is repealed. Repeal

29. Any land transaction that has been authorized but not completed under the predecessor of this Act when this Act comes into force shall be completed under the predecessor of this Act as if this Act had not been passed. Transitional provisions

30. This Act comes into force on the day it receives Royal Assent. Commencement

31. The short title of this Act is *The Religious Organizations' Lands Act, 1979.* Short title

ASSSENTED TO BY LEUTENANT-GOVERNOR

June 14, 79

Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to provide for the
holding of Land by Religious
Organizations

1st Reading

May 17th, 1979

2nd Reading

May 31st, 1979

3rd Reading

June 12th, 1979

THE HON. R. MCMURTRY
Attorney General

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act respecting
The Anglican Church of Canada**

THE HON. R. MCMURTRY
Attorney General

BILL 94

1979

An Act respecting The Anglican Church of Canada

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) All the rights, powers and privileges conferred upon any religious organization by *The Religious Organizations' Lands Act, 1979* or any predecessor thereof extend and apply to The Anglican Church of Canada, formerly or otherwise called The Church of England in Canada, or the United Church of England and Ireland in Canada, or the United Church of England and Ireland in Upper Canada, or the Church of England in Upper Canada.

Rights
extended to
The Anglican
Church of
Canada
1979, c. . . .

(2) The parson or other incumbent of the church for the time being and the churchwardens thereof shall, for the purposes of *The Religious Organizations' Lands Act, 1979* be deemed to be trustees within the meaning thereof.

Incumbent
and church-
wardens to
be trustees

(3) In cases within section 16 of the Act passed in the third year of the reign of Her late Majesty Queen Victoria, chaptered 74, intituled *An Act to make provision for the management of the Temporalities of the United Church of England and Ireland in this Province, and for other purposes therein mentioned*, the bishop, parson, rector or incumbent or any successor or other person in whom the legal title or estate is vested, by, from or under any of them, shall also be deemed to be a trustee with the same powers and duties as trustees under *The Religious Organizations' Lands Act, 1979*.

Bishop, etc.,
to be trustees
under 3 V.,
c. 74, s. 16

(4) In cases of property vested in the bishop of any diocese in trust, not covered by subsection 3, the bishop shall also be deemed to be a trustee with the same powers as trustees under *The Religious Organizations' Lands Act, 1979*.

Property
vested in
the bishop
in trust

Property
vested in the
synod in
trust within
7 V., c. 68
and 32 V., c. 51

(5) In cases of property vested in the synod of any diocese within the Act passed in the seventh year of the reign of Her late Majesty Queen Victoria, chaptered 68, intituled *An Act to Incorporate the Church Societies of the United Church of England and Ireland, in the Dioceses of Quebec and Toronto*, and the Act passed in the thirty-second year of the reign of Her late Majesty Queen Victoria, chaptered 51, intituled *An Act to Incorporate the Synod of the Diocese of Toronto, and to Unite the Church Society of the Diocese of Toronto therewith*, the synod shall also be deemed to be a trustee with the same powers and duties as trustees under *The Religious Organizations' Lands Act, 1979* and the powers of the synod under this subsection may be exercised by and through such boards and committees as the synod may by by-law appoint for that purpose. R.S.O. 1970, c. 411, s. 19 (1-5), *amended*.

1979, c. . . .

How land
may be
sold or
encumbered,
consent
requisite

2.—(1) Land shall not be sold or leased, mortgaged or otherwise encumbered under the powers conferred by *The Religious Organizations' Lands Act, 1979*, except with the consent of the vestry of the church or congregation interested therein and of the bishop of the diocese and the executive committee of the synod of the diocese, and the consent of the vestry given in accordance with the rules and canons of the church shall be deemed to be the consent of the congregation.

Evidence of
consent

(2) The execution of a conveyance of land by the bishop, coadjutor bishop or a suffragan bishop of the diocese and by the secretary or secretaries of the synod, or a memorandum of consent endorsed thereon and signed by them, is, in favour of the grantee, his heirs and assigns, conclusive evidence of the consent of the vestry, the bishop and the executive committee. R.S.O. 1970, c. 411, s. 19 (6), *amended*.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

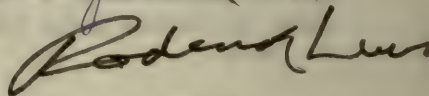
Short title

4. The short title of this Act is *The Anglican Church of Canada Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 14, 1979





CLERK
LEGISLATIVE ASSEMBLY

An Act respecting
The Anglican Church of Canada

1st Reading

May 17th, 1979

2nd Reading

May 31st, 1979

3rd Reading

May 31st, 1979

THE HON. R. McMurtry
Attorney General

Pauline C. L. L. L.
BILL 95

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Regional Municipality of Haldimand-Norfolk Act, 1973**

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 95

1979

**An Act to amend
The Regional Municipality of Haldimand-
Norfolk Act, 1973**

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. Subsection 1 of section 11 of *The Regional Municipality of Haldimand-Norfolk Act, 1973*, being chapter 96, is repealed and the following substituted therefor: s. 11 (1),
re-enacted

(1) Ten members of the Regional Council representing at least four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure. Quorum,
voting

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Regional Municipality of Haldimand-Norfolk Amendment Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

JUNE 22 1979

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Regional Municipality of
Haldimand-Norfolk Act, 1973

1st Reading

May 17th, 1979

2nd Reading

June 22nd, 1979

3rd Reading

June 22nd, 1979

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 35a of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1973, chapter 168, section 10, is repealed and the following substituted therefor: s. 35a,
re-enacted

35a.—(1) In this section, “development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot. Interpre-
tation

(2) Where there is an official plan in effect in a municipality, the council of the municipality may, by by-law, designate the whole or any part of the area covered by the official plan as a site plan control area, but nothing herein authorizes the council to designate an area that is not within the limits of the municipality of which it is the council. Establish-
ment of
site plan
control by
by-law

(3) A by-law passed under subsection 2 may designate a site plan control area by reference to one or more land use designations contained in a by-law passed under section 35. Designation
of site plan
control area

(4) No person shall undertake any development in an area designated under subsection 2 unless the council of the municipality or, where a referral has been made under subsection 10, the Municipal Board has approved one or both, as the council may determine, of the following: Approval of
plans or
drawings

1. Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under clause a of subsection 7.

2. Drawings showing plan, elevation and cross-section views for each industrial and commercial building to be erected and for each residential building containing twenty-five or more dwelling units to be erected which are sufficient to display,

- (a) the massing and conceptual design of the proposed building;
- (b) the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access; and
- (c) the provision of interior walkways, stairs and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings,

but which exclude the layout of interior areas, other than the interior walkways, stairs and escalators referred to in clause c, the colour, texture and type of materials, window detail, construction details, architectural detail and interior design.

Proviso

- (5) Nothing in this section shall be deemed to confer on the council of the municipality power to limit the height or density of buildings to be erected on the land.

Conditions
to approval
of plans

- (6) As a condition to the approval of the plans and drawings referred to in subsection 4, a municipality may require the owner of the land to,

- (a) provide to the satisfaction of and at no expense to the municipality any or all of the following:

1. Widenings of highways that abut on the land.
2. Subject to *The Public Transportation and Highway Improvement Act*, facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs.
3. Off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways.
4. Walkways, including the surfacing thereof, and all other means of pedestrian access.

R.S.O. 1970,
c. 201

5. Facilities for the lighting, including flood-lighting, of the land or of any buildings or structures thereon.
6. Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands.
7. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
8. Easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works and sanitary sewerage facilities on the land.
9. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;

(b) maintain to the satisfaction of the municipality and at the sole risk and expense of the owner any or all of the facilities or works mentioned in paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 of clause *a*, including the removal of snow from access ramps and driveways, parking and loading areas and walkways;

(c) enter into one or more agreements with the municipality dealing with any or all of the facilities, works or matters mentioned in clause *a* or with the provision and approval of the plans and drawings referred to in subsection 4.

(7) Any agreement entered into under clause *c* of subsection 6 may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of *The Registry Act* and *The Land Titles Act*, any and all subsequent owners of the land.

Registration
of
agreements

R.S.O. 1970,
c. 409, 234

(8) Section 469 of *The Municipal Act* applies to any requirements made under clauses *a* and *b* of subsection 6 and to any requirements made under an agreement entered into under clause *c* of subsection 6.

Application of
R.S.O. 1970,
c. 284

Appeal to
O.M.B.

(9) Where the municipality fails to approve the plans or drawings referred to in subsection 4 within thirty days after they are submitted to the municipality for approval or where the owner of the land is not satisfied with any of the requirements made by the municipality under subsection 6 or with any part thereof, including the terms of any agreement required, the owner of the land may require the plans or drawings or the unsatisfactory requirements or parts thereof or the agreement, as the case may be, to be referred to the Municipal Board by written notice to the secretary of the Board and to the clerk of the municipality, and the Board shall then hear and determine the matter in issue and settle and determine the details of the plans or drawings and approve the same and settle and determine the requirements, including the provisions of any agreement required, and the decision of the Board is final.

Classes of
development,
delegation

(10) Where the council of a municipality has designated a site plan control area under this section the council may, by by-law,

- (a) define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under subsection 4; and
- (b) delegate to either a committee of the council or to an appointed officer of the municipality identified in the by-law either by name or position occupied, any of the council's powers or authority under this section, except the authority to define any class or classes of development as mentioned in clause a.

Proviso

2. Notwithstanding section 1 of this Act, section 35a of *The Planning Act*, as it exists on the day before this Act comes into force, shall be deemed to continue in force in respect of any by-law passed under that section prior to the day before this Act comes into force.

Certain
agreements
declared
valid and
binding

3. Every agreement entered into by a municipality after the 16th day of December, 1973 and before the day that section 35a of *The Planning Act*, as re-enacted by section 1 of this Act, comes into force, to the extent that the agreement deals with facilities and matters mentioned in subsection 2 of section 35a of *The Planning Act* as it exists on the day before this Act comes into force, is hereby declared to be valid and binding.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is *The Planning Amendment Act*,
1979
ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 22, 1979

Rodriguez

An Act to amend
The Planning Act

1st Reading

May 17th, 1979

2nd Reading

June 5th, 1979

3rd Reading

June 22nd, 1979

THE HON. C. BENNETT
Minister of Housing

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend
The Public Transportation and Highway Improvement Act

THE HON. J. W. SNOW
Minister of Transportation and Communications

BILL 99

1979

An Act to amend The Public Transportation and Highway Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 31 of *The Public Transportation and Highway Improvement Act*, being chapter 201 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1976, chapter 41, section 2, is further amended by,

s. 31 (2),
amended

 - (a) in clause *a*, striking out "150 feet" in the second line and inserting in lieu thereof "45 metres" and by striking out "600 feet" in the third line and inserting in lieu thereof "180 metres";
 - (b) in clause *b*, striking out "150 feet" in the first line and inserting in lieu thereof "45 metres" and by striking out "600 feet" in the second line and inserting in lieu thereof "180 metres";
 - (c) in clause *c*, striking out "two feet by one foot" in the third line and inserting in lieu thereof "sixty centimetres by thirty centimetres" and by striking out "one-quarter mile" in the sixth line and inserting in lieu thereof "400 metres"; and
 - (d) in clause *d*, striking out "one-half mile" in the first line and inserting in lieu thereof "800 metres".
2. Subsection 2 of section 35 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 41, section 4, is further amended by,

s. 35 (2),
amended

 - (a) in clause *a*, striking out "150 feet" in the second line and inserting in lieu thereof "45 metres" and by striking out "1300 feet" in the third line and inserting in lieu thereof "395 metres";

- (b) in clause *b*, striking out "150 feet" in the first line and inserting in lieu thereof "45 metres" and by striking out "1,300 feet" in the second line and inserting in lieu thereof "395 metres";
- (c) in clause *c*, striking out "150 feet" in the second and third lines and inserting in lieu thereof "45 metres" and by striking out "1,300 feet" in the fourth line and inserting in lieu thereof "395 metres";
- (d) in clause *d*, striking out "one-quarter mile" in the second line and inserting in lieu thereof "400 metres";
- (e) in clause *e*, striking out "two feet by one foot" in the third line and inserting in lieu thereof "sixty centimetres by thirty centimetres" and by striking out "one-quarter mile" in the sixth line and inserting in lieu thereof "400 metres"; and
- (f) in clause *f*, striking out "one-half mile" in the first line and inserting in lieu thereof "800 metres".

s. 43 (1),
amended

3. Subsection 1 of section 43 of the said Act is amended by striking out "registered as a civil engineer under" in the third and fourth lines and inserting in lieu thereof "as defined in".

s. 51 (1),
amended

- 4.—(1) Subsection 1 of section 51 of the said Act is amended by striking out "twenty feet" in the second line and inserting in lieu thereof "six metres".

s. 51 (2),
amended

- (2) Subsection 2 of the said section 51 is amended by striking out "twenty feet" in the fourth and fifth lines and inserting in lieu thereof "six metres".

s. 51 (3),
amended

- (3) Subsection 3 of the said section 51 is amended by striking out "twenty feet" in the second line and inserting in lieu thereof "six metres".

s. 56 (6),
amended

- 5.—(1) Subsection 6 of section 56 of the said Act is amended by striking out "twenty-two feet" in the first and second lines and inserting in lieu thereof "seven metres".

s. 56 (7),
amended

- (2) Subsection 7 of the said section 56 is amended by striking out "twenty-two feet" in the second line and in the fifth line and inserting in lieu thereof in each instance "seven metres".

s. 56 (8),
amended

- (3) Subsection 8 of the said section 56 is amended by striking out "twenty-two feet" in the first line and in the seventh line and inserting in lieu thereof in each instance "seven metres".

- (4) Subsection 10 of the said section 56 is amended by striking out "twenty-two feet" in the second line and inserting in lieu thereof "seven metres". ^{s. 56 (10), amended}
- (5) Subsection 11 of the said section 56 is amended by striking out "twenty-two feet" in the second line and in the sixth line and inserting in lieu thereof in each instance "seven metres". ^{s. 56 (11), amended}
6. Subsection 1 of section 60 of the said Act is amended by striking out "150 feet" in the second and third lines and inserting in lieu thereof "45 metres". ^{s. 60 (1), amended}
7. Subsection 1 of section 61 of the said Act is amended by, ^{s. 61 (1), amended}
- (a) in clause *a*, striking out "150 feet" in the second line and inserting in lieu thereof "45 metres"; and
- (b) in clause *b*, striking out "one-quarter mile" in the second line and inserting in lieu thereof "400 metres".
8. Clause *b* of subsection 1 of section 87*b* of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 61, section 14, is repealed and the following substituted therefor: ^{s. 87*b* (1) (b), re-enacted}
- (b) "public transportation" means any service for which a fare is charged for transporting the public by vehicles operated by or on behalf of a municipality or a local board thereof, or under an agreement between a municipality and a person, firm or corporation and includes special transportation facilities for the physically disabled, but does not include transportation by special purpose facilities such as school buses or ambulances.
9. Subsection 2 of section 93 of the said Act is amended by striking out "cubic yard or per acre" in the second line and inserting in lieu thereof "cubic metre or per hectare". ^{s. 93 (2), amended}
10. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
11. The short title of this Act is *The Public Transportation and Highway Improvement Amendment Act, 1979*. ^{Short title}

ASSENTED TO BY LIEUTENANT-GOVERNOR

JUNE 22, 1979

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

1. The first part of the report deals with the general situation of the country and the progress of the work during the year.

2. The second part contains a detailed account of the work done in the various departments of the institution.

3. The third part gives a summary of the results of the work and a statement of the financial position of the institution.

4. The fourth part contains a list of the names of the persons who have been employed by the institution during the year.

5. The fifth part contains a list of the names of the persons who have been elected to the various offices of the institution.

6. The sixth part contains a list of the names of the persons who have been elected to the various offices of the institution.

7. The seventh part contains a list of the names of the persons who have been elected to the various offices of the institution.

8. The eighth part contains a list of the names of the persons who have been elected to the various offices of the institution.

9. The ninth part contains a list of the names of the persons who have been elected to the various offices of the institution.

10. The tenth part contains a list of the names of the persons who have been elected to the various offices of the institution.

Wm. L. ...
Secretary of the Institution

1880

...

An Act to amend
The Public Transportation and
Highway Improvement Act

1st Reading

May 25th, 1979

2nd Reading

June 5th, 1979

3rd Reading

June 19th, 1979

THE HON. J. W. SNOW
Minister of Transportation and
Communications

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act respecting
Local Government in the District of Parry Sound**

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

BILL 100

1979

An Act respecting Local Government in the District of Parry Sound

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Minister" means the Minister of Inter-governmental Affairs. Interpre-
tation

PART I

TOWNSHIPS OF GEORGIAN BAY NORTH ARCHIPELAGO AND GEORGIAN BAY SOUTH ARCHIPELAGO

2. In this Part, "Township" means the Township of Georgian Bay North Archipelago as constituted under section 3 or the Township of Georgian Bay South Archipelago as constituted under section 4. Idem

3. On the 1st day of January, 1980, the inhabitants of those portions of the geographic townships of Shawanaga and Harrison, all of which lands are described in Schedule A hereto, are incorporated as a township municipality bearing the name "The Corporation of the Township of Georgian Bay North Archipelago". Township of
Georgian Bay
North
Archipelago
incorporated

4. On the 1st day of January, 1980, the inhabitants of the geographic Township of Cowper and of that portion of the geographic Township of Conger all of which lands are described in Schedule B hereto are incorporated as a township municipality bearing the name of "The Corporation of the Township of Georgian Bay South Archipelago". Township of
Georgian Bay
South
Archipelago
incorporated

5.—(1) The council of a Township shall consist of a reeve to be elected by general vote and four councillors. Composition
of council

(2) The election of the first council shall be held in the year 1979 and, notwithstanding *The Municipal Elections Act*, Election
of first
council
1977, c. 62

1977, the first council elected shall hold office for thirty-five months, commencing on the 1st day of January, 1980.

1979 election;
Minister's
powers

(3) Notwithstanding *The Municipal Elections Act, 1977*, the Minister shall, by order, provide for the holding of the election in the year 1979 of the members of the first council of a Township, including nominations, polling days, polling places, the appointment of returning officers, preparation of polling lists, and any other matters considered necessary in respect of the first election.

Minister
to divide
Township
into wards

(4) For the purposes of the election of the first council, the Minister shall by order divide a Township into wards and provide for the number of members of council other than the reeve to be elected in the respective wards and such wards shall remain in effect until altered by the Ontario Municipal Board.

Referendum
re name

(5) If directed by order of the Minister, a vote of the electors of a Township shall be taken at the same time as the election of the first council to determine, from among the names designated by the Minister, which name the Township shall bear, and following the vote the Minister shall by order confirm the name of the Township as set out in section 3 or 4, as the case may be, or declare the name that the Township shall bear, and, where a declaration is made, all references to the Township shall be deemed to refer to the name of such Township as designated in the declaration.

Expenses
for election
of first
council, etc.

(6) The expenses of a Township for the election of the first council and for the elections of The West Parry Sound Board of Education in November, 1980 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

Place of
meetings

6. The meetings of a council shall be held at such place in the District of Parry Sound as the council from time to time appoints.

General
administrative
head

7.—(1) The council of a Township may, by by-law, appoint a general administrative head, who,

(a) shall have such general control and management of the administration of the government and affairs of the Township and perform such duties as the council by by-law describes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of council; and

(d) shall receive such salary as the council by by-law determines.

(2) Subsection 2 of section 238 of *The Municipal Act* applies to a general administrative head appointed under subsection 1.

Application of
R.S.O. 1970,
c. 284,
s. 238 (2)

8.—(1) Where an established local roads area is entirely within a Township, the local roads area and board thereof are dissolved on the 1st day of January, 1980, and all the assets and liabilities of the board become on such date, assets and liabilities of the Township.

Dissolution
of local
roads area
and board

(2) Where only part of an established local roads area is within a Township, that part of the local roads area is removed from the local roads area on the 1st day of January, 1980, and the assets and liabilities of the local roads board attributable to that part become on such date assets and liabilities of the Township in the same proportion as the assessment of that part for purposes of *The Local Roads Boards Act* bears to the total assessment of the local roads area.

Removal
of part
of local
roads area

R.S.O. 1970,
c. 256

(3) All taxes and penalties assessed by a local roads board against any land in a Township which are due and unpaid on the 1st day of January, 1980, shall be deemed on that date to be taxes and penalties due and payable upon the land to the Township, and the collector of the Township shall enter the taxes and penalties in the collector's roll and may collect them in the same manner as if the taxes had been levied and penalties imposed by the Township, and the collector shall forthwith notify the owner or his agent as shown on the register of the board that the taxes and penalties are due and payable to the Township.

Unpaid taxes,
collection of
by Township

(4) A Township and the Land Tax Collector appointed under *The Provincial Land Tax Act* may enter into an agreement respecting the collection by the Township of arrears of land tax in respect of property within the Township.

Agreement
respecting
collection of
land tax
R.S.O. 1970,
c. 370

(5) The road program of work to be performed on local roads by the local roads boards for those parts of local roads areas which are dissolved and which form part of a Township under this section, shall be deemed to be adopted by by-law of the council of the Township on the 1st day of January, 1980.

Local
roads board
program
deemed
adopted

Extension
of Pine
Bay Road;
maintenance
deemed part
of South
Conger roads
program

(6) For purposes of subsection 5, the maintenance of the extension of the Pine Bay Road from Pine Bay to Woods Bay shall be deemed to be part of the road program of the South Conger Local Roads Board.

Appointment
to fill
vacancies

(7) Where part of a local roads area is removed from the local roads area under subsection 2, the remaining part is deemed to be a continuation of the original local roads area and the Minister of Transportation and Communications may, for the year 1980, by order, appoint persons to fill any vacancies on the board of trustees brought about as a result of this Act.

Territory
detached from
Parry Sound
for purposes
of
1974, c. 109,
s. 51 (2)

9.—(1) The territory without municipal organization that becomes part of a Township under section 3 or 4 of this Act and that is deemed to be attached to the Town of Parry Sound for the purposes of The West Parry Sound Board of Education under subsection 2 of section 51 of *The Education Act, 1974* ceases to be so attached on the 1st day of January, 1980.

School tax
arrears
deemed assets
of Township

(2) The arrears of taxes for school purposes and accumulated interest thereon that relate to lands located in a Township and that are owing to the Town of Parry Sound and uncollected as of the 1st day of January, 1980 shall be deemed to have become assets of the Township on the 1st day of January, 1980.

Township to
pay school tax
arrears to
Parry Sound

(3) The Township shall pay the full amount of such arrears and accumulated interest to the Town of Parry Sound.

Township has
right to
recover taxes
under
R.S.O. 1970,
c. 118, Pt. III

(4) A Township has and shall be deemed always to have had the right to recover the taxes and accumulated interest owing to it, including the arrears of taxes for school purposes and accumulated interest thereon referred to in subsection 2, under the procedures provided for in Part III of *The Municipal Affairs Act*.

Saving

(5) Notwithstanding subsection 4, where, prior to the 1st day of January, 1980, the proper authorities commenced procedures under any Act for the sale for arrears of taxes for school purposes of land that is in a Township on and after the 1st day of January, 1980, such procedures may be taken up and continued by the proper officers of the Township.

Agreements
for services

10. A Township and any municipality, including a district municipality, may enter into agreements for providing any services within the jurisdiction of the Township.

11. On and after the 1st day of January, 1980, a Township shall be a planning area under *The Planning Act* to be known as The Georgian Bay North Archipelago Planning Area and The Georgian Bay South Archipelago Planning Area respectively and the Township council shall be the planning board thereof, and where the Township council meets in respect of matters pertaining to planning, no separate meeting of the council as a planning board is required.

Townships
planning
areas under
R.S.O. 1970,
c. 349

12.—(1) Upon application to the Minister by the Townships constituted under sections 3 and 4 that the Townships be incorporated as one Township municipality, the Minister may by order effect the incorporation on the date specified in the order and in such order may provide for the name of the new Township, the composition of the council of the new Township and the election of the members of the council of the new Township.

Power of
Minister to
incorporate
one Township

(2) The provisions of this Part apply with necessary modifications to a new Township established under subsection 1.

Application
of Part

PART II

TOWN OF KEARNEY

13. In this Part, "Town" means the Town of Kearney as constituted under section 14.

Interpre-
tation

14.—(1) On the 1st day of January, 1980, the geographic townships of Bethune and Proudfoot and those portions of the geographic townships of Butt and McCraney described in Schedule C hereto, and the Town of Kearney as it existed on the 31st day of December, 1979, are incorporated as a town municipality bearing the name "The Corporation of the Town of Kearney".

New Town
of Kearney
incorporated

(2) On and after the 1st day of January, 1980, the council of the Town shall consist of a mayor to be elected by general vote and six councillors.

Composition
of council

(3) Notwithstanding *The Municipal Elections Act, 1977*, the election of the first council shall be held in the year 1979 and for the purposes of that election the Minister shall, by order, divide the Town into wards and provide for the number of members of council, other than the mayor, to be elected in the respective wards and such wards shall remain in effect until altered by the Ontario Municipal Board.

Election of
council
1977, c. 62

(4) Notwithstanding *The Municipal Elections Act, 1977*, on the 31st day of December, 1979, the existing council is dissolved, and the first council elected shall hold office for

Existing
council
dissolved;
term of
office of
first council

thirty-five months, commencing on the 1st day of January, 1980.

Expenses for election of council, etc.

(5) The expenses of the Town for the election of the first council and for the election of The East Parry Sound Board of Education, in November, 1980 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

Town deemed township for purposes of R.S.O. 1970, c. 201

(6) For the purposes of *The Public Transportation and Highway Improvement Act*, the Town shall be deemed to be a township municipality.

Alleviation of hardship

(7) Where any employee of the Town of Kearney employed on the 28th day of May, 1979 experiences any difficulty or hardship with regard to his employment as a result of the incorporation under this section, the Minister may by order do anything necessary to alleviate or remedy such difficulty or hardship.

Dissolution of local roads area and board

15.—(1) Where an established local roads area is entirely within the Town, the local roads area and board thereof are dissolved on the 1st day of January, 1980, and all the assets and liabilities of the board become on such date, assets and liabilities of the Town.

Unpaid taxes, collection of by Town

(2) All taxes and penalties assessed by a local roads board against any land in the Town which are due and unpaid on the 1st day of January, 1980, shall be deemed on that date to be taxes and penalties due and payable upon such land to the Town, and the collector of the Town shall enter the taxes and penalties in the collector's roll and may collect them in the same manner as if the taxes had been levied and penalties imposed by the Town, and the collector shall forthwith notify the owner or his agent as shown on the register of the board that the taxes and penalties are due and payable to the Town.

Agreement respecting collection of land tax R.S.O. 1970, c. 370

(3) The Town and the Land Tax Collector appointed under *The Provincial Land Tax Act* may enter into an agreement respecting the collection by the Town of arrears of land tax in respect of property within the Town.

Local roads program deemed adopted

(4) The road program of work to be performed on local roads by the local roads boards for those parts of local roads areas which are dissolved and which form part of the Town under this section, shall be deemed to be adopted by by-law of the council of the Town on the 1st day of January, 1980.

Territory annexed to Town ceases to be deemed to be district municipality 1977, c. 109

16.—(1) The territory without municipal organization that becomes part of the Town under section 14 of this Act and that was deemed to be a district municipality or part of a district municipality in respect of The East Parry Sound Board of Education under subsection 3 of section 50 of *The Education Act, 1974*, ceases to be so deemed on the 1st day of January, 1980.

(2) The arrears of taxes for school purposes and accumulated interest thereon that relate to lands located in the Town and that are owing and uncollected as of the 1st day of January, 1980, shall be deemed to have become assets of the Town on the 1st day of January, 1980.

School tax
arrears
deemed assets
of Town

(3) The Town shall pay, to the extent that such moneys have not already been paid, the full amount of such arrears and accumulated interest to The East Parry Sound Board of Education:

Town to pay
school tax
arrears to
East Parry
Sound Board
of Education

(4) The Town has, and shall be deemed always to have had, the right to recover the taxes and accumulated interest owing to it, including the arrears of taxes for school purposes and accumulated interest thereon referred to in subsection 2, under the procedures provided for in Part III of *The Municipal Affairs Act*.

Town has
right to
collect
taxes under
R.S.O. 1970,
c. 118, Pt. III

(5) Notwithstanding subsection 4, where, prior to the 1st day of January, 1980, the proper authorities commenced procedures under any Act for the sale for arrears of taxes for school purposes of land that is in the Town on and after the 1st day of January, 1980, such procedures may be taken up and continued by the proper officers of the Town.

Saving

PART III

TOWN OF PARRY SOUND

17. On the 1st day of January, 1980, the portions of the Township of McDougall and the Township of Foley described in Schedule D hereto are annexed to the Town of Parry Sound.

Part of
McDougall
Township
and Foley
Township
annexed to
Parry Sound

18. Where any employee of the Township of McDougall experiences any difficulty or hardship with regard to his employment as a result of the annexation under section 16, the Minister may by order do anything necessary to alleviate or remedy such difficulty or hardship.

Alleviation
of hardship

PART IV

TOWNSHIP OF HUMPHREY

19. On the 1st day of January, 1980, the portions of the geographic Township of Conger described in Schedule E hereto are annexed to the Township of Humphrey.

Part of Conger
annexed to
Humphrey

20.—(1) Where part of an established local roads area is within the Township, that part of the local roads area

Removal of
part of
local roads
area

is removed from the local roads area on the 1st day of January, 1980, and the assets and liabilities of the local roads board attributable to that part become on such date assets and liabilities of the Township in the same proportion as the assessment of that part for purposes of *The Local Roads Boards Act* bears to the total assessment of the local roads area.

R.S.O. 1970,
c. 256

Unpaid taxes,
collection of
by township

(2) All taxes and penalties assessed by a local roads board against any land in the Township, which are due and unpaid on the 1st day of January, 1980, shall be deemed on that date to be taxes and penalties due and payable upon the land to the Township, and the collector of the Township shall enter the taxes and penalties in the collector's roll and may collect them in the same manner as if the taxes had been levied and penalties imposed by the Township, and the collector shall forthwith notify the owner or his agent as shown on the register of the board that the taxes and penalties are due and payable to the Township.

Agreement
respecting
collection of
land tax
R.S.O. 1970,
c. 370

(3) The Township and the Land Tax Collector appointed under *The Provincial Land Tax Act* may enter into an agreement respecting the collection by the Township of arrears of land tax in respect of property within the Township.

Local roads
board program
deemed
adopted

(4) The road program of work to be performed on local roads by the local roads boards for those parts of local roads areas which are dissolved and which form part of the Township under this section, shall be deemed to be adopted by by-law of the council of the Township on the 1st day of January, 1980.

Detachment
of part of
Conger from
Parry Sound

1974, c. 109

21.—(1) That part of the geographic Township of Conger that becomes part of the Township under section 19 of this Act and that is deemed to be attached to the Town of Parry Sound for the purposes of The West Parry Sound Board of Education under subsection 2 of section 51 of *The Education Act, 1974* ceases to be so attached on the 1st day of January, 1980.

School tax
arrears deemed
assets of
Township

(2) The arrears of taxes for school purposes and accumulated interest thereon that relate to land located in the Township and that are owing to the Town of Parry Sound and uncollected as of the 1st day of January, 1980 shall be deemed to have become assets of the Township on the 1st day of January, 1980.

Arrears to be
paid to
Parry Sound

(3) The Township shall pay the full amount of such arrears and accumulated interest to the Town of Parry Sound.

Township
has right to
collect taxes
under
R.S.O. 1970,
c. 118, Part III

(4) The Township has, and shall be deemed always to have had, the right to recover the taxes and accumulated interest

owing to it, including the arrears of taxes for school purposes and accumulated interest thereon referred to in subsection 2, under the procedures provided for in Part III of *The Municipal Affairs Act*.

(5) Notwithstanding subsection 4, where, prior to the 1st day of January, 1980, the proper authorities commenced procedures under any Act for the sale for arrears of taxes for school purposes of land that is in the Township on and after the 1st day of January, 1980, such procedures may be taken up and continued by the proper officers of the Township. Saving

PART V

GENERAL

22. The incorporations and annexations provided for in this Act shall be deemed to have been effected by orders of the Ontario Municipal Board, not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of that Act, made on the day the incorporations or annexations take effect under this Act, pursuant to applications made under sections 10 and 14 of *The Municipal Act*, and subject to the provisions of this Act, the Ontario Municipal Board, upon the application of the municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such incorporation and annexations and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers. Incorporations and annexations deemed by Municipal Board orders
R.S.O. 1970, cc. 323, 284

23. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the content and purpose of this Act. Conditional powers

24. Notwithstanding subsections 12, 25 and 31 of section 57 of *The Education Act, 1974*, nothing in this Act shall, for the period commencing the 1st day of January, 1980 and ending on the 30th day of November, 1980, affect the representation on The West Parry Sound Board of Education or The East Parry Sound Board of Education of any municipality or territory without municipal organization as it exists on the day this Act comes into force. Representation on boards of education not affected
1974, c. 109

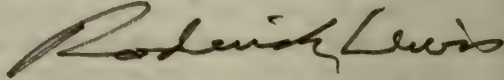
25. This Act comes into force on the day it receives Royal Assent. Commencement

Short title

26. The short title of this Act is *The District of Parry Sound Local Government Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

JUNE 22 1979



CLERK

SCHEDULE A LEGISLATIVE ASSEMBLY

FIRSTLY, part of the geographic township of Harrison, commencing at the intersection of the easterly high water mark of Georgian Bay and the northerly boundary of the Township of Harrison;

THENCE easterly along the northerly boundary of the Township of Harrison to the westerly limit of the Naiscoutaing Indian Reserve Number 17A;

THENCE easterly following the southerly limits of the said Indian Reserve to the northerly boundary of the Township of Harrison;

THENCE easterly along the northerly boundary of the Township of Harrison to a point distant 8,052 feet measured North $69^{\circ} 08' 20''$ East therealong from the easterly limit of Lot 31 in Concession XIV of the Township of Harrison;

THENCE South $20^{\circ} 51' 40''$ East 13,332 feet to a point;

THENCE North $69^{\circ} 08' 20''$ East 32,000 feet to the easterly boundary of the Township of Harrison;

THENCE southerly along the easterly boundary of the Township of Harrison to its southeasterly angle;

THENCE westerly along the southerly boundary of the Township of Harrison to the easterly high water mark of Georgian Bay;

THENCE westerly to the northerly point of Pollard Island;

THENCE westerly to the northerly point of Carey Rocks;

THENCE westerly to the northwesterly point of Meenahaga Island;

THENCE southwesterly to the northerly point of Osseo Island;

THENCE westerly to the easterly point of Ojibway Island;

THENCE westerly along the northerly high water mark of Ojibway Island to northwesterly point of the said Island;

THENCE westerly to the southeasterly point of Rothmay Island;

THENCE westerly to the northeasterly point of Ugoigo Island;

THENCE westerly along the northerly high water mark of Ugoigo Island to its westerly point;

THENCE westerly to the northerly point of Island No. 395A; as shown on Georgian Bay Islands Map No. 11b;

THENCE westerly along the northerly high water mark of Island No. 395A to its westerly point;

THENCE westerly to the northerly point of Kishkadena Island;

THENCE southwesterly along the northwesterly high water mark of Kishkadena Island to its westerly point;

THENCE South $69^{\circ} 08' 20''$ West 26.5 miles to the middle of Georgian Bay;

THENCE North 36° West along the middle of Georgian Bay 5.5 miles to the easterly boundary of the Territorial District of Manitoulin in accordance with paragraph 47 of section 1 of *The Territorial Division Act*;

THENCE Due North along the said easterly boundary 3.8 miles to a point;

THENCE North $69^{\circ} 08' 20''$ East 25.5 miles to a point midway between the Brother Islands and the Sister Islands;

THENCE easterly to the northerly point of Jarrad Island;

THENCE easterly following the middle of Charles Inlet being to and along the middle of the Middle Channel of the Naiscoot River to the headwaters of the South Channel of the Naiscoot River;

THENCE southerly along the middle of the South Channel of the Naiscoot River to the westerly prolongation of the northerly boundary of the Township of Harrison;

THENCE easterly along the prolongation of the Township of Harrison to the point of commencement;

SECONDLY, part of the geographic township of Shawanaga, commencing at the intersection of the easterly high water mark of Georgian Bay and the southerly boundary of the Township of Shawanaga;

THENCE easterly along the southerly boundary of the Township of Shawanaga to a point distant 6,666 feet measured South $69^{\circ} 08' 20''$ West therealong from the southwesterly angle of Lot 20 in Concession I in the Township of Shawanaga;

THENCE North $20^{\circ} 51' 40''$ West to the southerly limit of the Shawanaga Indian Reserve Number 17;

THENCE westerly and northerly following the westerly limits of the Indian Reserve to the northerly limit of the said Indian Reserve;

THENCE easterly following the said northerly limit to the easterly limit of the said Indian Reserve;

THENCE southerly along the easterly limit of the said Indian Reserve to the northeasterly limit of the King's Highway Number 69;

THENCE North $69^{\circ} 08' 20''$ East 3 miles to the easterly boundary of the Township of Shawanaga;

THENCE northerly along the easterly boundary of the Township of Shawanaga to its northeasterly angle;

THENCE westerly along the northerly boundary of the Township of Shawanaga to the easterly high water mark of Georgian Bay;

THENCE westerly to the northerly point of Pollard Island;

THENCE westerly to the northerly point of Carey Rocks;

THENCE westerly to the northwesterly point of Meenahaga Island;

THENCE southwesterly to the northerly point of Osseo Island;

THENCE southwesterly to the easterly point of Ojibway Island;

THENCE westerly along the northerly high water mark of Ojibway Island to its northwesterly point;

THENCE westerly to the southeasterly point of Rothmay Island;

THENCE westerly to the northeasterly point of Ugoigo Island;

THENCE westerly along the northerly high water mark of Ugoigo Island to its westerly point;

THENCE westerly to the northerly point of Island No. 395A; as shown on Georgian Bay Islands Map No. 11b;

THENCE westerly along the northerly high water mark to the northwesterly Island No. 395A to its westerly point;

THENCE westerly to the northerly point of Kishkadena Island;

THENCE southwesterly along the northwesterly high water mark of Kishkadena Island to its westerly point;

THENCE South $69^{\circ} 08' 20''$ West 26.5 miles to the middle of Georgian Bay;

THENCE South 36° East along the middle of Georgian Bay 6.8 miles to the westerly angle of the Township of Carling;

THENCE easterly along the northerly boundary of the Township of Carling to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Naiscoutaing Indian Reserve Number 17B.

SCHEDULE B

FIRSTLY, part of the geographic township of Conger, commencing at the intersection of the northly boundary of the Township of Conger and the easterly limit of Lot 10 in Concession XII of the Township of Conger;

THENCE southerly along the easterly limit of Lot 10 in Concessions XII to IV, both inclusive, to the northerly limit of Concession III of the Township of Conger.

THENCE easterly along the said northerly limit to the northeasterly angle of Lot 5 in Concession III;

THENCE southerly along the easterly limit of Lot 5 in concessions III and II to the southerly limit of Concession II;

THENCE easterly along the southerly limit of Concession II to the easterly boundary of the Township of Conger;

THENCE southerly along the easterly boundary of the Township of Conger to the northwesterly limit of the King's Highway Number 612;

THENCE southwesterly following the northwesterly limit of the said King's Highway to the southerly limit of the Township of Conger;

THENCE South $69^{\circ} 08' 20''$ West along the southerly boundary of the Township of Conger to the easterly high water mark of Twelve Mile Bay of Georgian Bay;

THENCE South $69^{\circ} 08' 20''$ West along the westerly prolongation in accordance with subsection 1 of section 11 of *The Territorial Division Act*, being chapter 458 of the Revised Statutes of Ontario, 1970 to the middle of Twelve Mile Bay of Georgian Bay;

THENCE westerly in a straight line to a point midway between Martin Island and Passage Island;

THENCE southwesterly in a straight line 11.75 miles to a point measured South $20^{\circ} 51' 40''$ East one mile from the southerly point of Thumb Rock of the Western Islands, the said point being on the westerly prolongation of the southerly boundary of the Township of Conger;

THENCE South $69^{\circ} 08' 20''$ West along the prolongation of the said southerly boundary 11 miles to the middle of Georgian Bay;

THENCE North 36° West along the middle of Georgian Bay 5.4 miles to a point;

THENCE North $69^{\circ} 08' 20''$ East 25.2 miles to a point distant 1,500 feet measured South $69^{\circ} 08' 20''$ West from the westerly point of Trusty Island;

THENCE northeasterly to a point distant 100 feet measured Due South from the southerly point of Penhale Island;

THENCE northeasterly 1,400 feet to the northwesterly point of Iowa Island;

THENCE northeasterly to a point distant 500 feet measured Due North from the easterly point of Copperhead Island;

THENCE northeasterly to a point midway between Hewson Island and Mainland Point;

THENCE northeasterly 1,300 feet to a point midway between the 2 unnamed Islands lying north of Anker Pint Islet;

THENCE easterly 1,000 feet to a point distant 200 feet measured Due South of the southerly point of an unnamed Island lying to the south of Huron Island;

THENCE easterly to a point midway between Trainor Island and Towers Point;

THENCE easterly to a point midway between Winegarden Island and Nutley Point;

THENCE northeasterly to a point distant 100 feet measured Due West from the westerly point of Breen Island;

THENCE Due North 2,000 feet to a point;

THENCE in a northeasterly direction towards the westerly extremity of Ruddy Island to a point distant 500 feet measured southwesterly therealong from the said extremity, the said point being at the mouth of the unnamed Bay leading to the northerly boundary of the Township of Conger;

THENCE easterly and northeasterly following the middle of the said Bay to the northerly boundary of the Township of Conger;

THENCE easterly along the northerly boundary of the Township of Conger to the point of commencement;

SECONDLY, the geographic township of Cowper, commencing at the southeasterly angle of the Township of Cowper;

THENCE northerly along the easterly boundary of the Township of Cowper to the southerly high water mark of South Channel;

THENCE northerly along the northerly prolongation in accordance with subsection 2b of section 11 of *The Territorial Division Act*, to the southerly high water mark of Isabella Island;

THENCE easterly, northerly and westerly following the high water mark of Isabella Island to the said northerly prolongation of the easterly boundary of the Township of Cowper;

THENCE northerly along the northerly prolongation of the easterly boundary of the Township of Cowper to the boundary between the geographic townships of Cowper and McDougall;

THENCE westerly along the northerly boundary of the geographic township of Cowper in accordance with the said section 11 of *The Territorial Division Act* to the easterly high water mark of Georgian Bay on the westerly shore of Parry Island;

THENCE westerly following the southerly boundaries of the Township of Carling to the southwesterly angle of the Township of Carling in the middle of Georgian Bay;

THENCE South 36° East along the middle of Georgian Bay 10.3 miles to a point;

THENCE North 69° 08' 20" East 25.2 miles to a point distant 1,500 feet measured South 69° 08' 20" West from the westerly point of Trusty Island;

THENCE northeasterly to a point distant 100 feet measured Due South from the southerly point of Penhale Island;

THENCE northeasterly 1,400 feet to the northwesterly point of Iowa Island;

THENCE northeasterly to a point distant 500 feet measured Due North from the easterly point of Copperhead Island;

THENCE northeasterly to a point midway between Hewson Island and Mainland Point;

THENCE northeasterly 1,300 feet to a point midway between the 2 unnamed islands lying north of Anker Pint Islet;

THENCE easterly 1,000 feet to a point measured 200 feet Due South of the southerly point of an unnamed Island lying to the south of Huron Island;

THENCE easterly to a point midway between Trainor Island and Towers Point;

THENCE easterly to a point midway between Winegarden Island and Nutley Point;

THENCE northeasterly to a point distant 100 feet measured Due West from the westerly point of Breen Island;

THENCE Due North 2,000 feet to a point;

THENCE in a northeasterly direction towards the westerly extremity of Ruddy Island to a point distant 500 feet measured southwesterly therealong from the said extremity, the said point being at the mouth of the unnamed Bay leading to the southerly boundary of the Township of Cowper;

THENCE easterly and northeasterly following the middle of the Bay leading to the southerly boundary of the Township of Cowper;

THENCE easterly along the southerly boundary of the Township of Cowper to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Parry Island Indian Reserve Number 16.

SCHEDULE C

FIRSTLY, part of the geographic township of Butt, commencing at the southwesterly angle of the Township of Butt;

THENCE easterly along the southerly boundary of the Township of Butt to the westerly limit of the Algonquin Provincial Park as defined in Ontario Regulation 579/77;

THENCE northerly along the westerly limit of the Algonquin Provincial Park to the northerly boundary of the Township of Butt;

THENCE westerly along the northerly boundary of the Township of Butt to its northwesterly angle;

THENCE southerly along the westerly boundary of the Township of Butt to the point of commencement;

SECONDLY, part of the geographic township of McCraney, commencing at the southwesterly angle of the Township of McCraney;

THENCE easterly along the southerly boundary of the Township of McCraney to the westerly limit of the Algonquin Provincial Park as defined in Ontario Regulation 579/77;

THENCE northerly following the westerly limit of the Algonquin Provincial Park to the northerly boundary of the Township of McCraney;

THENCE westerly along the northerly boundary of the Township of McCraney to its northwesterly angle;

THENCE southerly along the westerly boundary of the Township of McCraney to the point of commencement.

SCHEDULE D

FIRSTLY, part of the Township of McDougall, commencing at the intersection of the northerly boundary of the Town of Parry Sound and the high water mark of the easterly shore of Parry Sound;

THENCE easterly following the boundaries between the Town of Parry Sound and the Township of McDougall to the northeasterly angle of the said Town;

THENCE southerly following along the boundaries between the Town of Parry Sound and the Township of McDougall to the southerly boundary of the said Township;

THENCE easterly along the said Township boundary to the southerly prolongation of the easterly limit of Lot 25 in Concession I of the said Township of McDougall;

THENCE northerly to and along the easterly limit of Lot 25 in concessions I and II and the northerly prolongation thereof to a parallel line distant 200 feet measured southerly at right angles from the northerly high water mark of Mill Lake.

THENCE easterly and northerly parallel with the high water mark of Mill Lake to the easterly prolongation of southerly limit of Lot 24 in Concession IV of the Township of McDougall;

THENCE westerly to and along the southerly limit of lots 24 and 25 in Concession IV to the easterly limit of the road allowance between lots 25 and 26;

THENCE northerly along the said easterly limit to the northerly limit of the road allowance between concessions IV and V of the Township of McDougall;

THENCE westerly along the said northerly limit of road allowance to the easterly limit of the right-of-way of the Canadian Pacific Railways;

THENCE southerly along the easterly limit of the said right-of-way to the northerly limit of Lot 17 in Concession A of the Township of McDougall;

THENCE westerly along the northerly limit of the said Lot 17 to north-westerly angle of the said Lot;

THENCE westerly along the westerly prolongation of the northerly limit of the said Lot to the northerly prolongation of the easterly limit of Parry Island Indian Reserve Number 16;

THENCE southerly to and along the easterly limit of the said Indian Reserve to the southerly boundary of the Township of McDougall;

THENCE easterly along the southerly boundary of the said Township to the westerly boundary of the Town of Parry Sound;

THENCE northerly along the westerly boundaries of the Town of Parry Sound to the point of commencement.

SECONDLY, part of the Township of Foley, commencing at the southwesterly angle of the Town of Parry Sound;

THENCE westerly along the prolongation of the southerly boundary of the said Town to the southerly prolongation of the easterly limit of Parry Island Indian Reserve Number 16;

THENCE northerly to and along the easterly limit of the said Indian Reserve to the northerly boundary of the Township of Foley;

THENCE easterly along the northerly boundary of the said Township to the westerly boundary of the Town of Parry Sound;

THENCE southerly along the westerly boundaries of the Town of Parry Sound to the point of commencement.

SCHEDULE E

FIRSTLY, part of the geographic township of Conger, commencing at the northeasterly angle of the Township of Conger;

THENCE westerly along the northerly boundary of the Township of Conger to the easterly limit of Lot 10 in Concession XII of the said Township;

THENCE southerly along the easterly limit of Lot 10 in concessions XII to IV, both inclusive, to the northerly limit of Concession III of the Township of Conger;

THENCE easterly along the said northerly limit to the northeasterly angle of Lot 5 in Concession III;

THENCE southerly along the easterly limit of Lot 5 in concessions III and II to the southerly limit of Concession II;

THENCE easterly along the southerly limit of Concession II to the easterly boundary of the Township of Conger;

THENCE northerly along the easterly boundary of the Township of Conger to the point of commencement;

SECONDLY, part of the geographic township of Conger, commencing at the southeasterly angle of the Township of Conger;

THENCE northerly along the easterly boundary of the Township of Conger to the northwesterly limit of the King's Highway Number 612;

THENCE southwesterly following the northwesterly limit of the said King's Highway to the southerly boundary of the Township of Conger;

THENCE easterly along the southerly boundary of the Township of Conger to the point of commencement.

An Act respecting
Local Government in the District of
Parry Sound

1st Reading

May 28th, 1979

2nd Reading

June 15th, 1979

3rd Reading

June 22nd, 1979

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Public Utilities Act

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

BILL 101

1979

An Act to amend The Public Utilities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 13 of *The Public Utilities Act*, being chapter 390 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 13 (c),
re-enacted

(c) being a tenant, occupant, or inmate of any house, building or other place supplied with water from the waterworks, improperly wastes the water or, without the consent of the corporation, lends, sells, or disposes of the water, gives it away, permits it to be taken or carried away, uses or applies it to the use or benefit of another, or to any use and benefit other than his own or increases the supply of water agreed for.

2. Subsection 1 of section 30 of the said Act is repealed and the following substituted therefor: s. 30 (1),
re-enacted

(1) The amount payable to a municipal corporation or to a public utility or hydro-electric commission of a municipality or to Ontario Hydro for a period not exceeding three months by the owner or occupant of any lands for the public utility supplied to him for use thereon is a lien and charge upon the estate or interest in such land of the person by whom the amount is due, and may be collected by distress upon the goods and chattels of the person and by the sale of his estate and interest in the lands and in the case of an amount payable by the owner of lands, the amount is a lien and charge upon the lands in the same manner and to the same extent as municipal taxes upon land. Extent to
which
amount
payable to
form lien
on land

- 3.—(1) Subsection 1 of section 42 of the said Act is repealed and the following substituted therefor: s. 42 (1),
re-enacted

(1) A commission established under this Part is a body corporate and shall consist of three or five members as may be provided Number of
commis-
sioners

by the by-law, of whom the head of the council shall be one *ex officio* and the others shall be elected by general vote at elections held under *The Municipal Elections Act, 1977*.

1977, c. 62

s. 42 (3, 4,
6, 7, 8, 9),
repealed

(2) Subsections 3, 4, 6, 7, 8 and 9 of the said section 42 are repealed.

s. 42 (10),
re-enacted

(3) Subsection 10 of the said section 42 is repealed and the following substituted therefor:

Head of
council not
affected

(10) Nothing in subsection 5 affects the *ex officio* membership in a commission of the head of council.

s. 42 (12),
amended

(4) Subsection 12 of the said section 42 is amended by striking out "III and IV" in the second line and inserting in lieu thereof "and III".

s. 44 (2),
repealed

4. Subsection 2 of section 44 of the said Act is repealed.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is *The Public Utilities Amendment Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

JUNE 22, 1979

Robert Leach

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Public Utilities Act

1st Reading

May 28th, 1979

2nd Reading

June 22nd, 1979

3rd Reading

June 22nd, 1979

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

Pauline H. H. H.
BILL 103

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Municipal Act

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 8 of section 1 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is repealed. s. 1, par. 8, repealed

(2) Paragraph 13a of the said section 1, as re-enacted by the Statutes of Ontario, 1978, chapter 32, section 1, is repealed s. 1, par. 13a, re-enacted and the following substituted therefor:

13a. "Minister" means the Minister of Intergovernmental Affairs, except that in sections 361, 443, 450 and 461 "Minister" means the Minister of Housing;

13b. "Ministry" means the Ministry of Intergovernmental Affairs.

2. Subsection 1 of section 224 of the said Act is repealed and the following substituted therefor: s. 224 (1), re-enacted

(1) The treasurer of every municipality in every year shall, within the time prescribed by the Ministry after receiving the audited financial statements of the municipality, cause to be published or to be mailed or delivered to each ratepayer, either, Publication of financial statements, etc.

(a) a copy of the statement of revenue and expenditure, statement of capital operations, the balance sheet, the notes to the financial statements, the auditor's report, and the mill rate information for the current and previous year as contained in the financial review; or

(b) a summary of the information referred to in clause a in such form as the Ministry may prescribe.

3. Section 236 of the said Act is amended by adding thereto the following subsection: s. 236, amended

Extension
of time

(2) Notwithstanding subsection 1, a municipal council or other body to which a person is elected may, for such reasons as it considers appropriate, extend by thirty days the times referred to in subsection 1.

s. 242b (4),
amended

4. Subsection 4 of section 242b of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 32, section 14, is amended by inserting after "section" in the second line "and where the decision to be exercised by the council in respect of the matter is a statutory power of decision within the meaning of *The Statutory Powers Procedure Act, 1971*".

s. 293 (3),
amended

5. Subsection 3 of section 293 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 124, section 5, 1973, chapter 83, section 3, 1976, chapter 69, section 4 and 1977, chapter 48, section 5, is further amended by adding thereto the following clause:

(p) by the council of a local municipality with respect to an agreement under section 24 of *The Planning Act* or subsection 20 of section 361 of this Act.

R.S.O. 1970,
c. 349

s. 352,
par. 41,
re-enacted

- 6.—(1) Paragraph 41 of section 352 of the said Act is repealed and the following substituted therefor:

Rewards

41. For offering and paying on the conviction of the offender a reward to any person who supplies information leading to the apprehension or conviction of any person guilty of any offence whether triable summarily or on indictment, and for offering and paying a reward to any person for information leading to the location or return of missing persons and property.

s. 352,
par. 74,
amended

- (2) Paragraph 74 of the said section 352 is amended by adding thereto the following clauses:

(i) Members of a board of management appointed under this paragraph shall hold office at the pleasure of the council that appointed them and unless sooner removed shall hold office until the expiration of the term of the council that appointed them and until their successors are appointed and are eligible for reappointment.

(j) Where a member of a board of management appointed under this paragraph has been removed from office before the expiration of his term, the council may appoint another eligible person for the unexpired portion of his term.

s. 354 (1),
par. 129,
re-enacted

7. Paragraph 129 of subsection 1 of section 354 of the said Act is repealed and the following substituted therefor:

129. For prohibiting, regulating and inspecting the discharge of any gaseous, liquid or solid matter into land drainage works, private branch drains and connections to any sewer, sewer system or sewage works for the carrying away of domestic sewage or industrial wastes or both, whether connected to a treatment works or not.

Control
of sewage

- (a) A person appointed by the council to carry out inspections under this paragraph may, for the purpose of carrying out such inspections, enter in or upon any land or premises except land or premises being used as a dwelling at any time without a warrant, and may take such tests and samples as are necessary for the purposes of the inspection.

8. Clause *b* of paragraph 8 of section 363 of the said Act is repealed.

s. 363,
par. 8 (*b*),
repealed

9. Subsection 2 of section 450 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 81, section 5 and 1978, chapter 87, section 40, is repealed and the following substituted therefor:

s. 450 (2);
re-enacted

(2) No highway less than twenty metres in width shall be laid out by the council of the municipality without the approval of the Minister or by any owner of land without the approval of the council of the municipality and of the Minister.

Width of
highways

10. Paragraph 1 of section 454 of the said Act is repealed and the following substituted therefor:

s. 454,
par. 1,
re-enacted

1. For leasing or licensing the use of untravelled portions of highways under the jurisdiction of the council, except highways that are extensions or connecting links of the King's Highway, to the owners or occupants of adjoining property for such consideration and upon such terms and conditions as may be agreed.

Leasing and
licensing
untravelled
portions of
highways

11. The said Act is amended by adding thereto the following section:

s. 469a,
enacted

469a. Where any by-law of a municipality or of a local board thereof, passed under the authority of this or any other general or special Act, is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

Power to
restrain by
order when
conviction
entered

12. Subsection 1 of section 517 of the said Act is repealed and the following substituted therefor:

s. 517 (1),
re-enacted

(1) The council of any municipality may by by-law provide that where the sum of the taxes for which any person is chargeable in

Minimum
tax

any year for municipal, school, local improvement and other purposes, upon any real property assessed in one parcel to the same owner would according to the assessment thereon be less than,

(a) \$10 or such other amount as may be prescribed from time to time by the Minister; or

(b) such other amount as may be determined by council, which amount shall not exceed \$10, or, where another amount has been prescribed by the Minister, such other amount,

the sum of such taxes shall be deemed to be \$10 or such other amount as prescribed by the Minister or such other amount as determined by council, as the case may be, and shall be so entered on the collector's roll, and the difference between the sum that would have been entered but for this section and the sum of \$10 or such other amount as prescribed by the Minister or such other amount as determined by council, shall form part of the general funds of the municipality.

Minister's
order

(1a) The Minister may, by order, prescribe amounts for the purpose of subsection 1.

s. 527 (3),
amended

13.—(1) Subsection 3 of section 527 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 69, section 18, is amended by striking out "1 per cent" in the third line and inserting in lieu thereof "1¼ per cent".

s. 527 (4),
amended

(2) Subsection 4 of the said section 527, as enacted by the Statutes of Ontario, 1976, chapter 69, section 18, is amended by striking out "12 per cent" in the fourth line and inserting in lieu thereof "15 per cent".

s. 527 (8),
re-enacted

(3) Subsection 8 of the said section 527 is repealed and the following substituted therefor:

Provision
for payment
of taxes into
bank, etc.

(8) The council of any municipality may by by-law direct that moneys payable to the municipality for taxes or rates and upon such other accounts as may be mentioned in the by-law shall be paid by the collector of taxes or by the person charged with the payment thereof into such chartered bank of Canada, trust company, or Province of Ontario Savings Office or, subject to *The Credit Unions and Caisses Populaires Act, 1976*, into such credit union within the meaning of that Act, as the council shall by such by-law direct, to the credit of the treasurer of the municipality, and in such case the person making the payment shall obtain a receipt therefor, and the treasurer or collector of taxes shall make the proper entries therefor in the books of the municipality.

14.—(1) Subsection 1 of section 553 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 69, section 19, is amended by striking out "1 per cent" in the eighth line and inserting in lieu thereof "1/4 per cent". s. 553 (1),
amended

(2) Subsection 2 of the said section 553, as enacted by the Statutes of Ontario, 1976, chapter 69, section 19, is amended by striking out "12 per cent" in the fifth line and inserting in lieu thereof "15 per cent". s. 553 (2),
amended

15. The said Act is further amended by adding thereto the following section: s. 639a,
enacted

639a.—(1) The Minister may, by order, prescribe an English and French language version of any form prescribed by or under this Act. English and
French
language
forms

(2) The council of a municipality may, by by-law, provide for the use in the municipality of the version of the form prescribed by the Minister under subsection 1 in place of the corresponding form prescribed by or under this Act, and, notwithstanding any other provision in this Act, where a by-law under this subsection is in force in a municipality the version of the forms provided for in the by-law shall be used in the municipality in place of the corresponding forms prescribed by or under this Act. By-laws
providing
for use
of forms

16.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 2 comes into force on the 1st day of January, 1980. Idem

17. The short title of this Act is *The Municipal Amendment Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

JUNE 22 1979

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend The Municipal Act

1st Reading

May 29th, 1979

2nd Reading

June 22nd, 1979

3rd Reading

June 22nd, 1979

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

Pauline R. G. S. H.
BILL 104

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Municipality of Metropolitan Toronto Act**

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

BILL 104

1979

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 17 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1978, chapter 35, section 6, is repealed and the following substituted therefor:

s. 17 (1),
re-enacted

(1) Sections 192, 193, 195, 197, 198, 201, subsection 1 of section 224, sections 243, 259, 281 to 286, 349, 350, paragraphs 66 and 67 of section 352, and sections 388, 389, 389*a* to 389*e*, 390, 390*a* and 391 of *The Municipal Act* apply with necessary modifications to the Metropolitan Corporation.

Application of
R.S.O. 1970,
c. 284

2. Subsection 6 of section 29 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 3, is repealed and the following substituted therefor:

s. 29 (6),
re-enacted

(6) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

Default

3. Subsection 2 of section 43 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 22, section 1, is repealed and the following substituted therefor:

s. 43 (2),
re-enacted

(2) The Metropolitan Council may by by-law provide for uniform rates of discount for prompt payment of charges for water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default of a rate of 15 per cent per annum, or such lower rate as the Metropolitan Council determines, while such default continues.

Discounts
and
penalties

s. 52 (6),
re-enacted

4. Subsection 6 of section 52 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 4, is repealed and the following substituted therefor:

Default

(6) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

s. 55,
amended

5. Section 55 of the said Act is amended by adding thereto the following subsections:

Control of
sewage

(2) The Metropolitan Council has all the authority and powers in respect of any sewers which mediate or immediately enter into sewers or treatment works under the jurisdiction of the Metropolitan Corporation as have councils of local municipalities under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*.

R.S.O. 1970,
c. 284

Conflict

(3) In the event of conflict between a by-law passed under subsection 2 by the Metropolitan Council and a by-law passed by the council of the area municipality in which the land is situate under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*, the by-law passed by the Metropolitan Council prevails to the extent of such conflict, but in all other respects the by-law passed by the council of the area municipality remains in full force and effect.

s. 65 (10),
re-enacted

6. Subsection 10 of section 65 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 5, is repealed and the following substituted therefor:

Default

(10) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 9, the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

s. 84,
re-enacted

7. Section 84 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 7, is repealed and the following substituted therefor:

Use of
sidewalks,
etc.,
metropolitan
roads

84.—(1) The Metropolitan Council may by by-law empower the council of any area municipality to pass by-laws for the leasing or licensing of the use of the whole or any part of or all sidewalks and untravelled portions of Metropolitan roads within the area municipality for such purposes and upon such terms and conditions as are specified by the Metropolitan Council in the by-law.

(2) Part XXI of *The Municipal Act* applies with necessary modifications to any by-law passed by the council of an area municipality under the authority of a by-law passed by the Metropolitan Council under subsection 1.

Application of
R.S.O. 1970,
c. 284,
Part XXI

8. Subsection 3 of section 95 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 8, is repealed and the following substituted therefor:

s. 95 (3),
re-enacted

(3) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 1, the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

Default

9. Subsection 3 of section 112 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 9, is repealed and the following substituted therefor:

s. 112 (3),
re-enacted

(3) If the Metropolitan Corporation fails to make any payment as required by subsection 1, or if the Commission fails to make any payment as required by subsection 2, the area municipality may charge the Metropolitan Corporation, or the Metropolitan Corporation may charge the Commission, as the case may be, interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality or the Metropolitan Council determines, from the date payment is due until it is made.

Default

10. Subsection 2 of section 133 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 10, is repealed and the following substituted therefor:

s. 133 (2),
re-enacted

(2) If the Metropolitan Corporation fails to make any payments as required by subsection 1, the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

Default

11. Subsection 5 of section 147 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 11, is repealed and the following substituted therefor:

s. 147 (5),
re-enacted

(5) If the Metropolitan Corporation fails to make any payments as required by clause *b* of subsection 4, the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

Default

s. 150 (6),
re-enacted

- 12.** Subsection 6 of section 150 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 12, is repealed and the following substituted therefor:

Default

(6) If the Metropolitan Corporation fails to make any payments as required by clause *b* of subsection 5, the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

s. 160 (3),
re-enacted

- 13.** Subsection 3 of section 160 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 13, is repealed and the following substituted therefor:

Default

(3) If the Metropolitan Corporation fails to make any payments as required by subsection 2, the City may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the City determines, from the date payment is due until it is made.

s. 182 (6),
re-enacted.

- 14.** Subsection 6 of section 182 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 14, is repealed and the following substituted therefor:

Default

(6) If the Metropolitan Corporation fails to make any payments as required by clause *b* of subsection 5, the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

s. 206 (3),
re-enacted

- 15.** Subsection 3 of section 206 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 15, is repealed and the following substituted therefor:

Default

(3) If the Metropolitan Corporation fails to make any payments as required by clause *b* of subsection 2, the area municipality may charge the Metropolitan Corporation interest at the rate of 15 per cent per annum or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

s. 208 (6),
re-enacted

- 16.—(1)** Subsection 6 of section 208 of the said Act is repealed and the following substituted therefor:

Deemed not
local board
except for
R.S.O. 1970,
c. 324

(6) Except for the purposes of *The Ontario Municipal Employees Retirement System Act*, the Board of Management shall be deemed not to be a local board of the Metropolitan Corporation.

- (2) Subsection 10 of the said section 208 is repealed and the following substituted therefor: s. 208 (10),
re-enacted

(10) The occupation, management and control by the Board of Management of the land acquired by the Metropolitan Corporation under this section shall be deemed, for the purposes of paragraph 9 of section 3 of *The Assessment Act*, to be occupation, management and control by the Metropolitan Corporation. Taxation
R.S.O. 1970,
c. 32

- 17.—(1) Clause *a* of subsection 2 of section 212 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 42, section 13 and amended by 1976, chapter 42, section 16, is further amended by striking out “or” at the end of subclause iv and by adding thereto the following subclause: s. 212 (2) (a),
amended

(v) term deposits accepted by a credit union as defined in *The Credit Unions and Caisses Populaires Act*, 1976; or 1976, c. 62

- (2) The said section 212 is amended by adding thereto the following subsection: s. 212,
amended

(3) The Metropolitan Corporation is deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act*, 1976. Deemed
municipality
for purposes
of 1976, c. 62,
s. 35

18. Subsection 15 of section 214 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 22, section 5, is repealed and the following substituted therefor: s. 214 (15),
re-enacted

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum or such lower rate as the Metropolitan Council determines, from the date payment is due until it is made. Default

19. Subsection 1 of section 241 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 35, section 13, is repealed and the following substituted therefor: s. 241 (1),
re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 248*a* and 249, subsection 3 of section 308, paragraphs 3, 10, 11, 12, 24, 24*a*, 29, 41, 42, 67*a* and 71*a* of section 352, subparagraph ii of paragraph 112 of subsection 1 of section 354, and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Metropolitan Corporation. Application of
R.S.O. 1970,
c. 284

- 20.—(1) This Act, except subsection 2 of section 16, comes into force on the day it receives Royal Assent. Commence-
ment

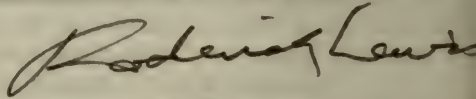
Idem

(2) Subsection 2 of section 16 shall be deemed to have come into force on the 1st day of January, 1979.

Short title

21. The short title of this Act is *The Municipality of Metropolitan Toronto Amendment Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 22 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend The Municipality of
Metropolitan Toronto Act

1st Reading

May 29th, 1979

2nd Reading

June 22nd, 1979

3rd Reading

June 22nd, 1979

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

1. Auth. in G. L. of S. Hon.

BILL 108

**3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979**

**An Act to amend
The Public Accountancy Act**

THE HON. R. MCMURTRY
Attorney General

BILL 108

1979

An Act to amend The Public Accountancy Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 17 of *The Public Accountancy Act*, being chapter 373 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 17,
re-enacted

17. Subject to the approval of the Lieutenant Governor in Fees Council, the Council may make regulations requiring the payment of fees for the grant or renewal of licences and prescribing the amounts thereof.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Public Accountancy Amendment Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 14 1979

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Public Accountancy Act

1st Reading

May 29th, 1979

2nd Reading

June 12th, 1979

3rd Reading

June 12th, 1979

THE HON. R. MCMURTRY
Attorney General

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BILL 109

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Evidence Act

THE HON. R. MCMURTRY
Attorney General

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 109

1979

An Act to amend The Evidence Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 26 of *The Evidence Act*, being chapter 151 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

(2) Copies of the statutes of Ontario that are translated into the French language and that purport to be published by the Ministry of the Attorney General and printed by the Queen's Printer shall be admitted in evidence to prove the contents thereof but, in the event of a conflict between the version published under *The Statutes Act* and the French language translation, the version published under *The Statutes Act* shall prevail.

s. 26,
amended

Copies of
French
translation

R.S.O. 1970,
c. 446
2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
3. The short title of this Act is *The Evidence Amendment Act, 1979*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 14, 1979

Podolsky Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Evidence Act

1st Reading

May 29th, 1979

2nd Reading

June 12th, 1979

3rd Reading

June 12th, 1979

THE HON. R. MCMURTRY
Attorney General

1000. ne. 100. 100. 100.
BILL 110

**3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979**

**An Act to amend
The Administration of Justice Act**

THE HON. R. MCMURTRY
Attorney General

BILL 110

1979

An Act to amend The Administration of Justice Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Administration of Justice Act*, being chapter 6 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 8, section 2, is further amended by adding thereto the following clause:

(ba) requiring the payment of fees in respect of proceedings in any court and prescribing the amounts thereof.
2. Clause *b* of section 40 of *The County Courts Act*, being chapter 94 of the Revised Statutes of Ontario, 1970, is repealed. s. 7, amended
R.S.O. 1970,
c. 94,
s. 40 (b),
repealed
3. Clause *b* of section 10 of *The General Sessions Act*, being chapter 191 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970,
c. 191,
s. 10 (b),
repealed
4. Clause *b* of section 79 of *The Surrogate Courts Act*, being chapter 451 of the Revised Statutes of Ontario, 1970, is amended by striking out "all fees payable to the Crown, the judge, the registrar, and other officers of the court, and" in the first, second and third lines. R.S.O. 1970,
c. 451,
s. 79 (b),
amended
5. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment
6. The short title of this Act is *The Administration of Justice Amendment Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 14 1979

Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Administration of Justice Act

1st Reading

May 29th, 1979

2nd Reading

June 12th, 1979

3rd Reading

June 12th, 1979

THE HON. R. MCMURTRY
Attorney General

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Judicature Act

THE HON. R. MCMURTRY
Attorney General

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k* of section 1 of *The Judicature Act*, being chapter 228 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 159, section 1, is amended by inserting after "justice" in the first line "an associate chief justice". s. 1 (k),
amended

- 2.—(1) Subsection 3 of section 8 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 159, section 3 and 1977, chapter 45, section 3, is repealed and the following substituted therefor: s. 8 (3),
re-enacted
 - (3) The justices of appeal and the other judges have rank and precedence after the Associate Chief Justice of the High Court, and among themselves according to seniority of appointment. Rank and
precedence

- (2) Subsection 4 of the said section 8, as enacted by the Statutes of Ontario, 1972, chapter 159, section 3, is repealed. s. 8 (4),
repealed

3. Subsection 1 of section 11 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 159, section 4, is amended by striking out "or elects to hold office only as a supernumerary judge" in the second and third lines. s. 11 (1),
amended

- 4.—(1) Section 40 of the said Act is repealed and the following substituted therefor: s. 40,
re-enacted
 - 40.—(1) A verdict or judgment bears interest from the time of the rendering of the verdict, or of giving the judgment, as the case may be, at the prime rate established in the same manner as for the purposes of section 38, notwithstanding that the entry of judgment has been suspended by a proceeding in the action, including an appeal. Interest
on
judgments

 - (2) The judge may, where he considers it to be just to do so in all the circumstances, Discretion
of judge

- (a) disallow interest under this section;
- (b) fix a rate of interest higher or lower than the prime rate;
- (c) fix a date other than the date of judgment from which interest is to run,

in respect of the whole or any part of the amount for which judgment is given.

Application
of section

- (2) This section does not apply to a verdict rendered or judgment given before this section comes into force.

s. 48,
amended

- 5. Section 48 of the said Act is amended by adding thereto the following subsection:

Judge
sitting
singly

- (1a) A proceeding in the Divisional Court may be heard, determined and disposed of by a judge of the Divisional Court sitting singly where the proceeding,

- (a) is an appeal under clause *f* of subsection 1 of section 17;
or

- (b) is in a matter that the Chief Justice of the High Court or a judge designated by him is satisfied, from the nature of the issues involved and the necessity for expedition, call and ought to be heard by a judge sitting singly.

s. 114 (1) (a),
re-enacted

- 6.—(1) Clause *a* of subsection 1 of section 114 of the said Act is repealed and the following substituted therefor:

- (a) the Chief Justice of Ontario, the Chief Justice of the High Court, the Associate Chief Justice of Ontario, the Associate Chief Justice of the High Court and four other judges of the Supreme Court to be appointed by the Chief Justice of Ontario.

s. 114 (1),
amended

- (2) Subsection 1 of the said section 114, as amended by the Statutes of Ontario, 1975, chapter 30, section 6, is further amended by adding thereto the following clause:

- (ea) the Registrar of the Supreme Court.

s. 114,
amended

- (3) The said section 114, as amended by the Statutes of Ontario, 1971, chapter 57, section 4, 1975, chapter 30, section 6 and 1977, chapter 51, section 8, is further amended by adding thereto the following subsection:

Idem

- (2a) The Chief Justice of Ontario and the Chief Justice of the High Court may jointly appoint either the Associate Chief Justice of Ontario or the Associate Chief Justice of the High Court to act as chairman from time to time as set out in the appointment.

- (4) Subsection 3 of the said section 114 is repealed. s. 114 (3),
repealed
- (5) Subsection 10 of the said section 114, as amended by the Statutes of Ontario, 1971, chapter 57, section 4, 1975, chapter 30, section 6 and 1977, chapter 51, section 8, is further amended by adding thereto the following clause: s. 114 (10),
amended
- (ba) prescribing the rate of interest to be used in determining the capitalized value of an award in respect of future damages.
- (6) Clause *h* of subsection 10 of the said section 114 is repealed. s. 114 (10) (*h*),
repealed
- 7.—(1) This Act, except subsection 6 of section 6, comes into force on the day it receives Royal Assent. Commence-
ment
- (2) Subsection 6 of section 6 comes into force on a day to be named by proclamation of the Lieutenant Governor. Idem
8. The short title of this Act is *The Judicature Amendment Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

JUNE 22 1979

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. It contains a report on the state of the Union and the progress of the war.

2. The second part is a report from the Secretary of the Treasury, dated January 10, 1862. It contains a report on the state of the Treasury and the progress of the war.

3. The third part is a report from the Secretary of the Interior, dated January 10, 1862. It contains a report on the state of the Interior and the progress of the war.

4. The fourth part is a report from the Secretary of the Navy, dated January 10, 1862. It contains a report on the state of the Navy and the progress of the war.

5. The fifth part is a report from the Secretary of the War, dated January 10, 1862. It contains a report on the state of the War and the progress of the war.

[Handwritten signature]
January 10, 1862

6. The sixth part is a report from the Secretary of the War, dated January 10, 1862. It contains a report on the state of the War and the progress of the war.

7. The seventh part is a report from the Secretary of the War, dated January 10, 1862. It contains a report on the state of the War and the progress of the war.

8. The eighth part is a report from the Secretary of the War, dated January 10, 1862. It contains a report on the state of the War and the progress of the war.

9. The ninth part is a report from the Secretary of the War, dated January 10, 1862. It contains a report on the state of the War and the progress of the war.

10. The tenth part is a report from the Secretary of the War, dated January 10, 1862. It contains a report on the state of the War and the progress of the war.

An Act to amend
The Judicature Act

1st Reading

May 29th, 1979

2nd Reading

June 12th, 1979

3rd Reading

June 18th, 1979

THE HON. R. MCMURTRY
Attorney General

Bill 112
BILL 112

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The County Judges Act

THE HON. R. MCMURTRY
Attorney General

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 112

1979

An Act to amend The County Judges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The County Judges Act*, being chapter 95 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection: s. 2,
amended

(2) Where another judge is appointed in accordance with section 3 or 4 for a county court or a district court or is designated under section 4 to reside in the jurisdiction of the court, the judge appointed for the court in accordance with subsection 1 shall be known as the senior judge of the court. Senior
judge

2. Section 3 of the said Act is amended, s. 3,
amended
 - (a) in subsection 1, as amended by the Statutes of Ontario, 1973, chapter 136, section 1, by striking out "A junior" in the first line and inserting in lieu thereof "An additional";
 - (b) in subsection 2, as amended by the Statutes of Ontario, 1971, chapter 4, section 1, by striking out "junior" in the first line and inserting in lieu thereof "additional";
 - (c) in subsection 3, as amended by the Statutes of Ontario, 1971, chapter 4, section 1, by striking out "junior" in the first line and inserting in lieu thereof "additional"; and
 - (d) in subsection 4, by striking out "junior" in the first line and inserting in lieu thereof "additional".

3. Section 4 of the said Act is amended, s. 4,
amended

- (a) in subsection 1, as amended by the Statutes of Ontario, 1972, chapter 86, section 1,
 - (i) by striking out "junior" in the second line, and

(ii) by striking out "or junior judges" in the amendment of 1972; and

(b) in subsection 2, by striking out "or junior judge" in the first line.

s. 4a,
amended

4. Section 4a of the said Act, as enacted by the Statutes of Ontario, 1976, chapter 15, section 1, is amended,

(a) in subsection 1, by striking out "or junior judge" in the first line and in the fourth line; and

(b) in subsection 2, by striking out "or junior judge" in the second line.

s. 5 (2),
amended

5. Subsection 2 of section 5 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 44, section 2, is amended by striking out "junior judges" in the second and third lines.

s. 6,
re-enacted

6. Section 6 of the said Act is repealed and the following substituted therefor:

Supervision
by senior
judge

6. The senior judge of a county or district court may, subject to the authority of the chief judge, regulate and supervise the other judges of the court in the exercise of their authority.

s. 7,
amended

7. Section 7 of the said Act is amended by striking out "or junior judge" in the first line.

s. 10,
amended

8. Section 10 of the said Act is amended by striking out "and junior judge" in the first line.

s. 12,
amended

9. Section 12 of the said Act is amended by striking out "the judge or a junior judge" in the first line and inserting in lieu thereof "a judge".

s. 13 (2),
amended

10. Subsection 2 of section 13 of the said Act is amended by striking out "in his absence, of the junior judge or" in the second line and inserting in lieu thereof "senior judge or, if the senior judge is absent, of the other".

s. 15,
amended

11. Section 15 of the said Act is amended,

(a) in subsection 5, by striking out "and junior judges" in the third and fourth lines;

(b) in subsection 6, by striking out "and junior judges" in the first line and in the eighth line;

(c) in subsection 7, by striking out “or junior judge” in the seventh line; and

(d) in subsection 8, by striking out “and junior judges” in the fifth line.

12. Section 16 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 136, section 4, is amended, s. 16,
amended

(a) in subsection 1, by striking out “or junior judge” in the first line; and

(b) in subsection 2, by striking out “or junior judge” in the first line.

13. A reference in any Act or regulation to a junior judge of a county or district court shall be deemed to be a reference to a judge of the court. Other
references

COMPLEMENTARY AMENDMENTS

14. Subsection 1 of section 1 of *The County Court Judges' Criminal Courts Act*, being chapter 93 of the Revised Statutes of Ontario, 1970, is amended by striking out “The judge of every county court or district court or a junior judge thereof” in the first and second lines and inserting in lieu thereof “A judge of a county court or district court”. R.S.O. 1970,
c. 93, s. 1 (1),
amended

15.—(1) Section 3 of *The County Courts Act*, being chapter 94 of the Revised Statutes of Ontario, 1970, is amended by striking out “or a junior judge” in the second line. R.S.O. 1970,
c. 94, s. 3,
amended

(2) Section 12 of the said Act is amended by striking out “judge and the junior” in the first line. s. 12,
amended

16. Section 7 of *The General Sessions Act*, being chapter 191 of the Revised Statutes of Ontario, 1970, is amended, R.S.O. 1970,
c. 191, s. 7,
amended

(a) by striking out “The” where it appears the first time in the first line and inserting in lieu thereof “A”; and

(b) by striking out “or a junior” in the second line.

17.—(1) Subclause ii of clause h of subsection 1 of section 1 of *The Small Claims Courts Act*, being chapter 439 of the Revised Statutes of Ontario, 1970, is amended by striking out “the judge or a junior” and inserting in lieu thereof “a”. R.S.O. 1970,
c. 439,
s. 1 (1) (h) (ii),
amended

(2) Subsection 2 of section 1 of the said Act is repealed. s. 1 (2),
repealed

R.S.O. 1970,
c. 451, s. 4,
amended

18.—(1) Section 4 of *The Surrogate Courts Act*, being chapter 451 of the Revised Statutes of Ontario, 1970, is amended by striking out “or a junior judge” in the third and fourth lines.

s. 8 (1),
re-enacted

(2) Subsection 1 of section 8 of the said Act is repealed and the following substituted therefor:

Appointment
of judges

(1) The Lieutenant Governor in Council shall appoint as many judges of the surrogate courts as the Lieutenant Governor in Council considers necessary and may designate one of the judges of a surrogate court as the senior judge of the court.

Term of
office

(1a) Every judge of a surrogate court shall hold office during good behaviour and may be removed from office by the Lieutenant Governor in Council for inability, incapacity or misbehaviour established to the satisfaction of the Lieutenant Governor in Council.

s. 8 (2),
amended

(3) Subsection 2 of section 8 of the said Act is amended by striking out “or junior judge” in the second line.

s. 8 (3),
amended

(4) Subsection 3 of section 8 of the said Act is amended,

(a) by striking out “the judge or junior judge” in the first line and inserting in lieu thereof “a judge”; and

(b) by striking out “or junior judge” in the second line.

s. 9 (1, 2),
re-enacted

(5) Subsections 1 and 2 of section 9 of the said Act are repealed and the following substituted therefor:

Acting
judge

(1) Where there is a vacancy in the office of a judge of a surrogate court or a judge of a surrogate court is absent or ill, any judge who has authority to preside over any surrogate, county or district court or any barrister of ten years standing may, when so directed by the Attorney General, act as a judge of the surrogate court.

Acting
judge, on
request

(2) Where a judge of a surrogate court requests in writing any judge who has authority to preside over any surrogate, county or district court or any barrister of ten years standing to preside over the surrogate court of the judge making the request, such judge or barrister may act as judge of the surrogate court.

s. 11 (2),
amended

(6) Subsection 2 of section 11 of the said Act is amended by striking out “or junior judge” in the first and second lines.

s. 77 (1),
amended

(7) Subsection 1 of section 77 of the said Act is amended by striking out “or junior judge” in the sixth line.

19. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment
20. The short title of this Act is *The County Judges Amendment Act*, Short title
1979.

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 22, 1979

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The County Judges Act

1st Reading

May 29th, 1979

2nd Reading

June 12th, 1979

3rd Reading

June 18th, 1979

THE HON. R. MCMURTRY
Attorney General

Pauline G. G.S.
BILL 113

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act for the establishment and conduct of a Project in
The Municipality of Metropolitan Toronto for the development
of improved methods of processing certain Civil Actions**

THE HON. R. MCMURTRY
Attorney General

T O R O N T O

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 113

1979

**An Act for the establishment and conduct of a
Project in The Municipality of Metropolitan
Toronto for the development of improved methods
of processing certain Civil Actions**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Advisory Committee" means the advisory committee established under section 8;
- (b) "judge" means a judge of the Provincial Court appointed under section 4;
- (c) "Provincial Court" means the Provincial Court (Civil Division) of The Municipality of Metropolitan Toronto;
- (d) "rules" means the rules made under or adopted by this Act.

2. The purpose of this Act is to enable the establishment and conduct of a project using a limited class of civil actions in The Municipality of Metropolitan Toronto for the development of simplified procedures and of methods of making civil remedies more accessible and reducing delays.

Purpose

3.—(1) There shall be a court of record in and for The Municipality of Metropolitan Toronto called the Provincial Court (Civil Division) of The Municipality of Metropolitan Toronto.

Provincial
Court (Civil
Division)
established

(2) The Provincial Court shall be presided over by a judge of the Provincial Court appointed under section 4.

Presiding
judges

4. The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint such judges of the Provincial Court as are considered necessary.

Appointment
of judges

Senior
judge

5. The Lieutenant Governor in Council, on the recommendation of the Attorney General, shall appoint a judge as senior judge of the Provincial Court who shall have general supervision and direction over arranging the sittings of the Provincial Court and assigning judges for hearings in the Provincial Court, as circumstances require.

Juris-
diction
R.S.O. 1970,
c. 439

6.—(1) The jurisdiction of the Provincial Court shall be the same as the jurisdiction of small claims courts under *The Small Claims Courts Act* or any other Act, except that in the Provincial Court the maximum claim or value of \$1,000 set out in section 54 of *The Small Claims Courts Act* shall be \$3,000 in each instance and not as set out therein.

Application
of R.S.O.
1970, c. 439

(2) Except in so far as they are inconsistent with this Act or the rules, *The Small Claims Courts Act* and the rules and regulations thereunder apply in the same manner as if the Provincial Court and judges and officers thereof were small claims courts and judges and officers thereof and the proceedings in the Provincial Court were proceedings in a small claims court.

Exception

(3) Sections 13 and 104 of *The Small Claims Courts Act* do not apply where the action is for more than \$1,000.

Divisions

(4) The divisions established under *The Small Claims Courts Act* in The Municipality of Metropolitan Toronto are continued as local divisions of the Provincial Court, subject to amendment by the rules, and an office of the Provincial Court shall be maintained in each local division, and the provisions of *The Small Claims Courts Act* respecting the territorial jurisdiction of a small claims court in a division apply in respect of the office of the Provincial Court in which proceedings are commenced and the action is conducted.

References
in other
Acts

(5) A reference in or under any Act to a small claims court or a judge thereof shall, in respect of The Municipality of Metropolitan Toronto, be deemed to be a reference to the Provincial Court or a judge thereof.

Continuation
of action

7.—(1) A proceeding commenced in a small claims court in The Municipality of Metropolitan Toronto before section 3 comes into force shall be continued and disposed of in the Provincial Court.

Transfer
of actions
from county
and
Supreme
Court

(2) Where an action that is within the jurisdiction of the Provincial Court was commenced in the county court or in the Supreme Court before section 3 came into force, and no evidence has been heard in the action, the action shall, with the consent of the parties, be transferred to the Provincial Court in the manner prescribed by the rules.

8.—(1) There shall be an Advisory Committee composed of seven persons of whom one shall be the Deputy Attorney General, who shall be the chairman, one shall be the senior judge of the Provincial Court or his nominee and five shall be appointed by the Attorney General, of whom one shall be a county court judge and at least two shall be members of the Law Society of Upper Canada engaged in active litigation practice. Advisory Committee

(2) The Deputy Attorney General may designate a member of the Advisory Committee who shall act as chairman during the absence of the Deputy Attorney General. Deputy chairman

(3) The Advisory Committee shall advise and make recommendations to the Attorney General on any matter concerning the establishment and operation of the Provincial Court and the practices and procedures therein that the Advisory Committee considers advisable or that is referred to it by the Attorney General. Duties

9.—(1) The Lieutenant Governor in Council may make such rules as are considered necessary and desirable for the establishment and operation of the Provincial Court and, without restricting the generality of the foregoing, may make rules, Rules

(a) on any matter in respect of which rules may be made under section 195 of *The Small Claims Courts Act* or section 114 of *The Judicature Act* but having application to the Provincial Court and matters and proceedings within its jurisdiction; R.S.O. 1970, cc. 439, 228

(b) providing for sittings of the Provincial Court to be held at places in The Municipality of Metropolitan Toronto outside the local division in which the action is commenced.

(2) Any rule made under subsection 1 may be general or particular in its application. Idem

(3) Where a rule made under subsection 1 is in conflict with a provision of any other Act or of the rules of any court, the rule shall prevail. Conflict

10. This Act is repealed on the 1st day of January, 1983. Repeal

11.—(1) This Act, except sections 3 to 7, comes into force on the day it receives Royal Assent. Commencement

(2) Sections 3 to 7 come into force on a day to be named by proclamation of the Lieutenant Governor. Idem

12. The short title of this Act is *The Provincial Court (Civil Division) Project Act, 1979*. Short title

ASSSENTED TO BY LIEUTENANT-GOVERNOR JUNE 22 1979

R. Levesque

1. The first part of the report deals with the general situation of the country and the progress of the work during the year. It is divided into two main sections: the first section deals with the general situation of the country and the progress of the work during the year, and the second section deals with the results of the work during the year.

2. The second part of the report deals with the results of the work during the year. It is divided into two main sections: the first section deals with the results of the work during the year, and the second section deals with the results of the work during the year.

3. The third part of the report deals with the results of the work during the year. It is divided into two main sections: the first section deals with the results of the work during the year, and the second section deals with the results of the work during the year.

4. The fourth part of the report deals with the results of the work during the year. It is divided into two main sections: the first section deals with the results of the work during the year, and the second section deals with the results of the work during the year.

5. The fifth part of the report deals with the results of the work during the year. It is divided into two main sections: the first section deals with the results of the work during the year, and the second section deals with the results of the work during the year.

6. The sixth part of the report deals with the results of the work during the year. It is divided into two main sections: the first section deals with the results of the work during the year, and the second section deals with the results of the work during the year.

An Act for the establishment and conduct of a Project in The Municipality of Metropolitan Toronto for the development of improved methods of processing certain Civil Actions

1st Reading

May 29th, 1979

2nd Reading

June 18th, 1979

3rd Reading

June 18th, 1979

THE HON. R. MCMURTRY
Attorney General

BILL 115

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Municipal Act

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 115

1979

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 505 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 505,
re-enacted

505.—(1) Notwithstanding section 504, where taxes in a municipality on any rateable property in the municipality increase in any year as a result of a different assessment generally of lands in the municipality, the council of the municipality may, in that year, pass a by-law, Limiting
increase in
taxes follow-
ing change in
assessment
basis

- (a) which shall set out the full amount of the increase or decrease in taxation that results solely from such different assessment,

(i) on each separately assessed parcel of rateable property in the municipality, or

(ii) on each separately assessed parcel of rateable property of such class or classes of rateable property as may be defined in the by-law,

where the increase or decrease exceeds the greater of the amounts determined under clauses *a* and *b* of subsection 2;

- (b) which shall, subject to subsections 2 and 3, with respect to taxes levied in each year for a period not exceeding five years, limit the amount of the increases,

(i) where the council proceeds under subclause i of clause *a*, on the separately assessed parcels of rateable property mentioned in the by-law under that subclause, or

- (ii) where the council proceeds under subclause ii of clause *a*, on the separately assessed parcels of rateable property of any one or more of the classes mentioned in the by-law under that subclause; and
- (c) which shall, subject to subsections 2 and 3, provide that the total amount of the reduction in taxes resulting from the provision in the by-law authorized by clause *b* be raised within the same period as is set out in the by-law under clause *b*,
 - (i) where the council proceeds under subclause i of clause *a* by reducing the amount of the decreases on the separately assessed parcels of rateable property mentioned in the by-law under that subclause,
 - (ii) where the council proceeds under subclause ii of clause *a*, by reducing the amount of the decreases on the separately assessed parcels of rateable property of any one or more of the classes of rateable property mentioned in the by-law under that subclause, notwithstanding that no parcel in the class or classes receives a benefit under clause *b*,
 - (iii) by charging the reduction in whole or in part to the general funds of the municipality, or
 - (iv) by a combination of the methods set out in subclauses i, ii and iii.

Calculation
of amounts
limited or
reduced

(2) A provision limiting the amount of an increase or reducing the amount of a decrease under subsection 1 shall, in the first year of the operation of the by-law, limit or reduce only the amount of the increase or decrease, as the case may be, that exceeds the greater of,

- (a) \$50 or such greater amount as may be prescribed by the by-law; and
- (b) 10 per cent, or such greater percentage as may be prescribed by the by-law, of the taxes imposed on the separately assessed parcel of rateable property in the year next preceding the year in which the increase occurred,

and that amount shall be known as an "eligible increase" or "eligible decrease", as the case may be.

(3) The amount of an eligible increase or eligible decrease that Idem may be limited or reduced in the second and each subsequent year of operation of the by-law shall be an amount that is equal to the amount of that increase or decrease that was limited or reduced in the next preceding year less 20 per cent of the eligible increase or decrease, as the case may be, or such greater percentage as the by-law may provide.

(4) The council may,

Powers of council

(a) under clauses *b* and *c* of subsection 1, limit increases and reduce decreases for different classes of rateable property for different periods of time not exceeding five years;

(b) under clauses *a* and *b* of subsection 2, prescribe different greater amounts or greater percentages or both with respect to amounts of increases to be limited than are prescribed for the amounts of decreases to be reduced and different greater amounts or greater percentages or both may be prescribed for different classes of rateable property; and

(c) under subsection 3, prescribe different greater percentages for different classes of rateable property.

(5) When there has been a change in the use or character of any land which, in the opinion of the council, makes any limitation of the increase in taxation in respect of such land under subsection 1 inappropriate, the council may by by-law exclude increases in taxation in respect of such land from the application of the by-law passed under subsection 1. Where change in use or character of any land

(6) An increase or decrease in taxes levied on business assessment within the meaning of *The Assessment Act* against any person shall, for the purposes of this section, be deemed to be an increase or decrease, as the case may be, in taxation on a separately assessed parcel of rateable property. Business assessment R.S.O. 1970, c. 32

505a.—(1) The council of a local municipality may, in any year, pass by-laws to provide for the cancellation, reduction or refund of taxes levied in the year by the council on the rateable property of any person who makes application in that year to the municipality for such relief and whose taxes are unduly burdensome by reason of an increase in taxes in any year in an amount exceeding 10 per cent, or such greater percentage as may be prescribed in the by-law, of the taxes imposed on the rateable property of such person in the next preceding year resulting from a different assessment generally of lands in the municipality made in the year 1978 or thereafter. Cancellation, reduction or refund of taxes

Limitation

(2) The maximum amount of the taxes cancelled, reduced or refunded pursuant to a by-law passed under subsection 1 shall be limited to the amount by which the increase attributable to the reassessment exceeds \$50 or such greater amount as may be prescribed in the by-law.

Charge to
general funds

(3) The amount of any taxes cancelled, reduced or refunded pursuant to a by-law passed under subsection 1, shall be charged to the general funds of the municipality.

s. 636a (1) (g),
repealed

2.—(1) Clause g of subsection 1 of section 636a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 25, is repealed.

s. 636a (3),
repealed

(2) Subsection 3 of the said section 636a is repealed.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is *The Municipal Amendment Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 14 1979

Rodriguez

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Municipal Act

1st Reading

May 31st, 1979

2nd Reading

June 5th, 1979

3rd Reading

June 5th, 1979

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The District Municipality of Muskoka Act**

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

BILL 116

1979

An Act to amend The District Municipality of Muskoka Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 17 of *The District Municipality of Muskoka Act*, being chapter 131 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1978, chapter 34, section 6, is repealed and the following substituted therefor:

s. 17 (3),
re-enacted

(3) Sections 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the District Council.

Idem
R.S.O. 1970,
c. 284

2. Subsection 10 of section 27 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 119, section 2, is repealed and the following substituted therefor:

s. 27 (10),
re-enacted

(10) If the District Corporation fails to make any payment as required by subsection 9, the area municipality may charge the District Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

3. Subsection 1 of section 63 of the said Act is repealed and the following substituted therefor:

s. 63 (1),
re-enacted

(1) The District Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a district controlled-access road.

Private roads,
etc., opening
upon controlled-access
roads

4. Subsection 3 of section 64 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 52, section 5, is repealed and the following substituted therefor:

s. 64 (3),
re-enacted

Default

(3) If the District Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the District Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 90,
amended

5. Section 90 of the said Act is amended by adding thereto the following subsection:

Deemed
municipality
for purposes
of
1976, c. 62,
s. 35

(2) The District Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.

s. 92 (16),
re-enacted

6. Subsection 16 of section 92 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 146, section 3, is repealed and the following substituted therefor:

Default

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the District Council determines, from the date payment is due until it is made.

s. 130 (1),
re-enacted

7. Subsection 1 of section 130 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 34, section 8, is repealed and the following substituted therefor:

Application of
R.S.O. 1970,
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 242b, 248a, 249 and 254, subsection 3 of section 308, section 333, paragraphs 3, 10, 11, 12, 24, 24a, 41, 67a and 71a of section 352, subparagraph iii of paragraph 62a and subparagraph ii of paragraph 112 of subsection 1 of section 354 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the District Corporation, and, for the purposes of section 394 of *The Municipal Act*, the District Corporation shall be deemed to be a local municipality.

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. The short title of this Act is *The District Municipality of Muskoka Amendment Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 22 1979

Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The District Municipality of
Muskoka Act

1st Reading

May 31st, 1979

2nd Reading

June 22nd, 1979

3rd Reading

June 22nd, 1979

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

S
BILL 117 *1 am. in C. G. S. H.*

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend
The County of Oxford Act, 1974

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 117

1979

An Act to amend The County of Oxford Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.**—(1) Subsections 2, 3 and 4 of section 3 of *The County of Oxford Act, 1974*, being chapter 57, are repealed and the following substituted therefor:

s. 3 (2),
re-enacted;
s. 3 (3, 4),
repealed

(2) If, after any election in an area municipality, by reason of acclamation or equality of votes, it cannot be determined which councillor or councillors is, or are, entitled to be a member or members of the County Council, the matter shall be determined by resolution of the council of the area municipality passed before the organization meeting of the County Council.

Where
acclamation
or equality
of votes

- (2) Subsection 4c, as enacted by the Statutes of Ontario, 1978, chapter 36, section 2, and subsection 5 of the said section 3, are repealed.

s. 3 (4c, 5),
repealed

- 2.** Subsection 3 of section 19 of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 36, section 7, is repealed and the following substituted therefor:

s. 19 (3),
re-enacted

(3) Sections 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the County Council.

Application
of
R.S.O. 1970,
c. 284

- 3.** Subsection 3 of section 50 of the said Act is repealed and the following substituted therefor:

s. 50 (3),
re-enacted

(3) Where the County fails to make any payment required by subsection 2, the area municipality may charge the County interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

s. 54,
amended

4. Section 54 of the said Act, as amended by the Statutes of Ontario, 1978, chapter 36, section 8, is further amended by adding thereto the following subsection:

R.S.O. 1970,
c. 349,
s. 12 (2) not
to apply

(2b) Notwithstanding subsection 2 of this section, subsection 2 of section 12 of *The Planning Act* does not apply to the County Council.

s. 58 (2),
re-enacted

5. Subsection 2 of section 58 of the said Act is repealed and the following substituted therefor:

Payment of
principal and
interest to
area muni-
cipalities

(2) The County shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1 prior to the 1st day of January, 1975 and if the County fails to pay such amounts before the due date, the area municipality may charge the County interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 60 (2),
repealed

6. Subsection 2 of section 60 of the said Act is repealed.

s. 76 (5),
re-enacted

7. Subsection 5 of section 76 of the said Act is repealed and the following substituted therefor:

Default

(5) If the County fails to make any payment as required by subsection 4, the area municipality may charge the County interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 77 (5),
re-enacted

8. Subsection 5 of section 77 of the said Act is repealed and the following substituted therefor:

Default

(5) If the County fails to make any payment as required by subsection 4, the area municipality may charge the County interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 79,
amended

9. Section 79 of the said Act is amended by adding thereto the following subsection:

County deemed
municipality
for purposes
of 1976, c. 62,
s. 35

(4) The County shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.

10. Subsection 15 of section 81 of the said Act is repealed and the following substituted therefor: s. 81 (15), re-enacted

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the County Council determines, from the date payment is due until it is made. Default

11. Subsection 1 of section 114 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 36, section 9, is repealed and the following substituted therefor: s. 114 (1), re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250, 254, 308 and 333, paragraphs 3, 9, 10, 11, 12, 24, 24a, 41, 63, 64, 65, 66, 67, 67a and 71a of section 352, subparagraph iii of paragraph 62a and subparagraph ii of paragraph 112 of subsection 1 of section 354, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the County. Application of R.S.O. 1970, c. 284

12. Subsection 2 of section 116 of the said Act is repealed and the following substituted therefor: s. 116 (2), re-enacted

(2) Paragraph 50 of subsection 1 of section 354 and section 395 of *The Municipal Act* apply with necessary modifications to the County, and no area municipality shall exercise any such powers, Application of R.S.O. 1970, c. 284, ss. 354 (1) par. 50, 395

(a) save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1974; or

(b) unless the by-law of the area municipality has been approved by the County Council.

13. This Act comes into force on the day it receives Royal Assent. Commencement

14. The short title of this Act is *The County of Oxford Amendment Act*, 1979. Short title

ASSENTED TO BY LEUTENANT-GOVERNOR JUNE 22, 1979

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The County of Oxford Act, 1974

1st Reading

May 31st, 1979

2nd Reading

June 22nd, 1979

3rd Reading

June 22nd, 1979

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

S. Pauline
BILL 119

By. P. G. S. Hon

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to provide for Municipal Hydro-Electric
Service in The Regional Municipality of Halton**

THE HON. J. A. C. AULD
Minister of Energy

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 119

1979

An Act to provide for Municipal Hydro-Electric Service in The Regional Municipality of Halton

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "accumulated net retail equity" means the portion of equity accumulated through debt retirement appropriations recorded for the Rural Power District relating to Ontario Hydro's rural retail system plus the portion of the balance recorded for customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;
- (b) "area municipality" means the municipality or corporation of the City of Burlington, the Town of Halton Hills, the Town of Milton and the Town of Oakville;
- (c) "Minister" means the Minister of Intergovernmental Affairs;
- (d) "municipal commission" means a hydro-electric commission or public utilities commission entrusted with the control and management of works for the retail distribution and supply of power in the Regional Area within the meaning of *The Regional Municipality of Halton Act, 1973* immediately before the coming into force of this Act and established or deemed to be established under Part III of *The Public Utilities Act*; 1973, c. 70
R.S.O. 1970,
c. 390
- (e) "power" means electrical power and includes electrical energy;
- (f) "regulations" means the regulations made under this Act;

- (g) "retail", when used in relation to the distribution and supply of power, refers to the distribution and supply of power at voltages less than 50 kilovolts, but does not refer to works located within a transformer station that transform power from voltages greater than 50 kilovolts to voltages less than 50 kilovolts.

Commissions
established

2.—(1) On the day this Act comes into force, a hydro-electric commission for each of the towns of Halton Hills, Milton and Oakville and the City of Burlington is hereby established.

Application of
R.S.O. 1970,
cc. 390, 354

(2) Each commission established by subsection 1 shall be deemed to be a commission established under Part III of *The Public Utilities Act* and a municipal commission within the meaning of *The Power Corporation Act*.

Names of
commissions

(3) Each commission established by subsection 1 shall be known by the name set out below that relates to the area municipality in respect of which the commission is established:

1. Burlington Hydro-Electric Commission.
2. Halton Hills Hydro-Electric Commission.
3. Milton Hydro-Electric Commission.
4. Oakville Hydro-Electric Commission.

Composition

(4) Each commission established by subsection 1 shall consist of the mayor of the area municipality in respect of which the commission is established and four additional members who are qualified electors under *The Municipal Elections Act, 1977* in the area municipality.

1977, c. 62

First
commission,
Burlington

(5) For the term expiring with the 30th day of November, 1980, the Burlington Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the City of Burlington and the members, other than *ex officio* members, of the Public Utilities Commission of the City of Burlington as it existed immediately before the coming into force of this Act who are qualified electors under *The Municipal Elections Act, 1977* in the City of Burlington, and, if less than four of the members are qualified electors, the council of the City of Burlington shall appoint an additional member or additional members so that there will be four additional members of the Burlington Hydro-Electric Commission.

1977, c. 62

First
commission,
Halton Hills

(6) For the term expiring with the 30th day of November, 1980, the Halton Hills Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Town of Halton Hills

and the following additional members who shall be appointed by the council of the Town of Halton Hills:

1. Two members of the Hydro-Electric Commission of the Town of Georgetown as it existed immediately before the coming into force of this Act.
2. One member of the Hydro-Electric Commission of the Town of Acton as it existed immediately before the coming into force of this Act.
3. One person who resides outside the part of the Town of Halton Hills supplied with power by the municipal commissions mentioned in paragraphs 1 and 2 immediately before the coming into force of this Act.

(7) For the term expiring with the 30th day of November, 1980, the Milton Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Town of Milton and the following additional members who shall be appointed by the council of the Town of Milton: First commission, Milton

1. One member of the Hydro-Electric Commission of Campbellville as it existed immediately before the coming into force of this Act.
2. Two members of the Hydro-Electric Commission of the Town of Milton as it existed immediately before the coming into force of this Act.
3. One person who resides outside the part of the Town of Milton supplied with power by the municipal commissions mentioned in paragraphs 1 and 2 immediately before the coming into force of this Act.

(8) For the term expiring with the 30th day of November, 1980, the Oakville Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Town of Oakville and the members, other than *ex officio* members, of the Public Utilities Commission of the Town of Oakville as it existed immediately before the coming into force of this Act who are qualified electors under *The Municipal Elections Act, 1977* in the Town of Oakville, and, if less than four of the members are qualified electors, the council of the Town of Oakville shall appoint an additional member or additional members so that there will be four additional members of the Oakville Hydro-Electric Commission. 1977, c. 62

(9) For terms commencing after the 30th day of November, 1980, the additional members of each commission established by subsection 1 shall be elected by a general vote of the electors of the Additional members of subsequent commissions

area municipality served by the commission, unless before the 1st day of July, 1980 the council of the area municipality provides by by-law that the additional members shall be elected by wards or appointed by the council.

Eligibility
of members
of council

(10) Members of the council of the area municipality served by a commission established by subsection 1 may be members of the commission, but the members of the council shall not form a majority of the commission.

Term of
office

(11) A member of a commission established by subsection 1 shall hold office for the same term as the members of council or until his successor is elected or appointed.

Delegates

(12) The council of an area municipality served by a commission established by subsection 1 may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission.

Salary of
first
commissions

(13) The salaries of the members of the commissions established by subsection 1 for the term expiring with the 30th day of November, 1980 shall be fixed on or before the 1st day of October, 1979 in an amount that does not exceed the highest salary paid to members of the municipal commissions operating in the Regional Area within the meaning of *The Regional Municipality of Halton Act, 1973* on the 1st day of January, 1979.

1973, c. 70

Resignations

(14) A resignation from the council of an area municipality of a member of the council who is a member of a commission established by subsection 1 shall be deemed to be a resignation from both the council and the commission.

Powers of
commissions
R.S.O. 1970,
c. 390

3.—(1) Except as herein provided, all the powers, rights, authorities and privileges that are conferred by *The Public Utilities Act* on a municipal corporation with respect to power shall, on and after the 1st day of January, 1980, be exercised on behalf of each area municipality by the commission established by section 2 in respect of the area municipality and not by the council of any municipality or any other person.

Right to
distribute
and supply
power

(2) On and after the 1st day of January, 1980, each commission established by section 2 has the sole right to distribute and supply power within the area municipality in respect of which it is established.

Subsisting
contracts

(3) The right of a commission established by section 2 to distribute and supply power is subject to any subsisting contracts for the supply of power made under section 70 of *The Power Corporation Act*.

R.S.O. 1970,
c. 354

(4) A commission established by section 2 may contract with Ontario Hydro without electoral assent or other approval or authorization for the transmission and supply to the commission of power to be distributed and sold in the area municipality served by the commission.

Contract
with
Ontario
Hydro

(5) A contract under subsection 4 shall be deemed to be an agreement within the meaning of clause s of subsection 2 of section 293 of *The Municipal Act*.

Idem
R.S.O. 1970,
c. 284

(6) Except where inconsistent with the provisions of this Act, the provisions of *The Power Corporation Act* applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the distribution and supply of power to the municipal corporation apply to the commissions established by section 2.

Application of
R.S.O. 1970,
c. 354

(7) With the consent of a commission established by section 2, Ontario Hydro may distribute and supply power directly to customers in the area municipality in respect of which the commission is established.

Direct
customers

4.—(1) On the 1st day of January, 1980, all assets under the control and management of and all liabilities of the municipal commissions in each area municipality are, without compensation, assets under the control and management of and liabilities of the commission established by section 2 in respect of the area municipality.

Transfer of
assets and
liabilities

(2) Any of the assets, powers and responsibilities of the municipal commissions in an area municipality that pertain to the distribution and supply of power in the area municipality may be transferred by agreement before the 1st day of January, 1980 to the commission established by section 2 in respect of the area municipality.

Transitional

5.—(1) Where assets that pertain to the retail distribution and supply of power in an area municipality are transferred to a commission established by section 2 from a municipal commission the majority of whose customers are located in another area municipality, the commission to which the assets are transferred shall pay compensation for the assets to the commission established by section 2 in respect of the other area municipality.

Compensation
for inter-
municipal
transfers
of assets

(2) The amount of the compensation under subsection 1 shall be determined by agreement.

Determination
of amount

6.—(1) On or before the 1st day of January, 1980, each commission established by section 2 shall purchase, on behalf of the area municipality served by the commission, and Ontario Hydro shall sell to the commission, the assets and liabilities of Ontario

Purchase
of retail
distribution
facilities
from Ontario
Hydro

Hydro that pertain to the distribution and supply of power at retail in the area municipality.

Leased
equipment

(2) The purchases mentioned in subsection 1 shall include equipment leased by Ontario Hydro to retail customers in the area municipalities for the use of power supplied to the retail customers.

Purchase
price

(3) The purchase price shall be determined in accordance with the regulations and shall be equal to the original cost of the assets less the sum of,

- (a) the accumulated net retail equity of the customers supplied with power through the assets; and
- (b) the accumulated depreciation associated with the assets.

Interpre-
tation

7.—(1) In this section,

- (a) “parties” means,
 - (i) with respect to section 5, the commissions established by section 2 that are referred to in section 5, and
 - (ii) with respect to section 6, Ontario Hydro and, in each case, the commission established by section 2;
- (b) “purchase price” means,
 - (i) with respect to section 5, the compensation referred to in section 5, and
 - (ii) with respect to section 6, the purchase price referred to in section 6.

Where price
to be
determined
by
arbitration

(2) If the purchase price under section 5 or 6 is not determined before the 1st day of January, 1981, either of the parties at any time thereafter may request that the purchase price be determined either by a single arbitrator agreed on by the parties or by a board of arbitration.

Where
parties
unable to
agree on
single
arbitrator

(3) Where a request is made under subsection 2 for a determination by a single arbitrator and the parties are unable to agree on an arbitrator within thirty days after the making of the request, either of the parties may request that the purchase price be determined by a board of arbitration.

Arbitration
board

(4) Where a request is made under subsection 2 or 3 that the purchase price be determined by a board of arbitration,

- (a) within fourteen days after the request, each party to the arbitration shall appoint a person as a member of the board of arbitration and shall give notice to the other party of the name and address of the person;
 - (b) the two members of the board of arbitration, within ten days after the giving of the notice of appointment of the second of them, shall appoint a third person to be chairman of the board of arbitration and the chairman shall give notice of his appointment to the parties; and
 - (c) if a party fails to appoint a member to a board of arbitration in accordance with clause *a* or if the members do not appoint a chairman in accordance with clause *b*, or in the event of the absence or inability to act or of a vacancy in the office of a member or the chairman of a board of arbitration, either party may apply on notice to the other party to the Divisional Court and the court may appoint the member or chairman.
- (5) Except as otherwise provided in this section, *The Arbitrations Act* applies to subsections 2, 3 and 4.

Application of
R.S.O. 1970,
c. 25

8.—(1) All real property transferred by section 4 to the control and management of a commission established by section 2 or otherwise acquired by or for the commission shall be held by the commission in trust for the area municipality served by the commission.

Vesting
of real
property

(2) Where a commission established by section 2 is of the opinion, and so declares by resolution, that any real property under its control and management is not required for its purposes, unless otherwise agreed upon by the commission and the area municipality served by the commission, the real property may be disposed of as follows:

Disposition
of real
property

1. In the event that the area municipality served by the commission wishes in good faith to use the real property for a municipal purpose, it shall compensate the commission for the real property at its actual cost, less accrued depreciation as shown on the books of the commission or the assessed value of the real property, whichever is the greater, and when the municipality in good faith no longer wishes to use the real property for a municipal purpose, the area municipality may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.
2. In the event that the municipality served by the commission does not wish to use the real property in accordance

with paragraph 1, the commission shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the municipality and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor under this subsection shall be received by the commission and shall be applied in accordance with *The Public Utilities Act*.

R.S.O. 1970,
c. 390

Borrowing
1973, c. 70

9. Except as otherwise provided in this Act, sections 92 to 113 of *The Regional Municipality of Halton Act, 1973* apply, with necessary modifications, to any borrowing for the purposes of a commission established by section 2.

Interpre-
tation

10.—(1) In this section, “transfer date”, when used in respect of an employee of a municipal commission or Ontario Hydro, means the date on which a commission established by section 2 assumes liability for the payment of the wages or salary of the employee.

Transfer of
employees

(2) On or before the 31st day of December, 1979, Ontario Hydro and each municipal commission that supplied power in an area municipality immediately before the coming into force of this Act shall designate those of their full-time employees who were employed in the distribution and supply of power in an area municipality on the 1st day of January, 1979, and who continued such employment until the 31st day of December, 1979 or until their transfer dates, as the case may be, and each commission established by section 2 shall offer employment to the employees designated in respect of the area municipality served by the commission.

Wages or
salaries

(3) A person who accepts employment under this section is entitled to receive, for a period of one year commencing on the transfer date, a wage or salary not less than the wage or salary he was receiving on the day nine months before the transfer date.

Partici-
pation in
O.M.E.R.S.

(4) Each commission established by section 2 shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Act comes into force, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on his transfer date, and *The Ontario Municipal Employees Retirement System Act* applies to such person as a member of the System.

R.S.O. 1970,
c. 324

Supplementary
agreements

(5) When a person who accepts employment under this section with a commission established by section 2 is entitled immediately before his transfer date to the benefit of a supplementary agreement between the Ontario Municipal Employees Retirement Board and a municipal commission that, immediately before the

coming into force of this Act, supplied power in an area municipality mentioned in subsection 1 of section 2, the commission established by section 2 shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the commission had been a party to the agreement in the place of the municipal commission.

(6) Where a person who accepts employment under this section is a contributor to The Pension and Insurance Fund of Ontario Hydro immediately before his transfer date, the present value of the pension earned by the person in The Pension and Insurance Fund of Ontario Hydro at the transfer date or the contributions of the person in the Fund with interest accumulated and credited to the person in the Fund, whichever is the greater, shall be transferred to the Ontario Municipal Employees Retirement Fund and the person shall be given credit in the Ontario Municipal Employees Retirement System for a period of service equal to the period of service for which he was given credit in The Ontario Hydro Pension and Insurance Plan.

Transfer of
pension
credits from
Ontario
Hydro Plan

(7) Notwithstanding subsection 4, a person who accepts employment under this section with a commission established by section 2 and who,

Pension
guarantee

- (a) was employed by Ontario Hydro immediately before his transfer date; and
- (b) continues in the employment of a municipal hydro-electric commission until he or his beneficiary becomes entitled to a pension benefit,

is entitled to at least the pension benefit he would have been entitled to under The Ontario Hydro Pension and Insurance Plan if his years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there had been no change in the Plan after the 31st day of December, 1979, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection 4 shall be apportioned and paid as provided by the regulations.

(8) A person who accepts employment under this section is entitled as a term of his employment to continue as a member of the group life insurance plan in which he was a member with his former employer until the effective date of a common group life insurance plan covering all eligible employees of his new employer.

Group life
insurance

- Idem (9) On or before the 31st day of December, 1981, each commission established by section 2 shall provide a common group life insurance plan covering all of the eligible employees of the commission, and the plan shall provide to any person accepting employment under this section, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the person was entitled immediately before his transfer date.
- Sick leave (10) A person who accepts employment under this section shall continue to enjoy the rights and benefits of sick leave entitlements or sick leave insurance provided by his former employer immediately before the transfer date until the new employer establishes a sick leave entitlement plan or sick leave insurance plan, and thereupon the person shall receive allowance or credit for any accrued sick leave rights or benefits.
- Life insurance provided to pensioners (11) Each commission established by section 2 shall continue the provision of life insurance to pensioners formerly employed by a municipal commission in the distribution and supply of power in the area municipality served by the commission established by section 2.
- Termination for cause (12) Nothing in this section prevents an employer from terminating the employment of an employee for cause.
- Special circumstances (13) Where, in the opinion of the Minister, a person who is designated or who accepts employment under this section experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship.
- Dissolution of existing commissions 1973, c. 70 **11.** For the purposes of section 135 of *The Regional Municipality of Halton Act, 1973*, the 1st day of January, 1980 is the date determined by the Minister in respect of the Regional Area within the meaning of *The Regional Municipality of Halton Act, 1973*, and on that date the municipal commissions supplying only electrical power and energy in that area immediately before the coming into force of this Act are dissolved and the by-laws establishing them passed under sections 38 and 40 of *The Public Utilities Act* shall be deemed to be repealed and the assent of the municipal electors is not required.
- R.S.O. 1970, c. 390 **12.** With respect to the Town of Halton Hills and the Halton Hills Hydro-Electric Commission established by section 2, each date mentioned in sections 3, 4, 6, 7, 10 and 11 shall be deemed to be a date three months after the mentioned date.
- Halton Hills Hydro-Electric Commission
- Regulations **13.** The Lieutenant Governor in Council may make regulations,

(a) for the purpose of subsection 3 of section 6 in respect of,

- (i) the method of determining the original cost of the assets or of any asset or of any part of any asset,
- (ii) the allocation of the original cost of the assets or of any asset or of any part of any asset,
- (iii) the method of determining the amount of any component of the accumulated net retail equity,
- (iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,
- (v) the method of calculating accumulated depreciation of any component of accumulated depreciation,
- (vi) the allocation of accumulated depreciation or any component of accumulated depreciation,
- (vii) the method of payment of the price of the assets;

(b) for the purposes of subsection 7 of section 10, in respect of the apportionment of the excess cost of any benefit referred to in the subsection and the payment of the excess cost or any part thereof.

14. This Act comes into force on the day it receives Royal Assent. Commence-
ment

15. The short title of this Act is *The Halton Municipal Hydro-Electric Service Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 22 1979

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

1. The first part of the report deals with the general situation of the country and the progress of the work during the year. It is divided into two main sections: the first section deals with the general situation of the country and the progress of the work during the year, and the second section deals with the specific results of the work.

2. The second part of the report deals with the specific results of the work. It is divided into three main sections: the first section deals with the results of the work in the field of agriculture, the second section deals with the results of the work in the field of industry, and the third section deals with the results of the work in the field of commerce.

3. The third part of the report deals with the financial results of the work. It is divided into two main sections: the first section deals with the income of the work, and the second section deals with the expenditure of the work.

4. The fourth part of the report deals with the general conclusions of the work. It is divided into two main sections: the first section deals with the general conclusions of the work, and the second section deals with the specific conclusions of the work.

5. The fifth part of the report deals with the general conclusions of the work. It is divided into two main sections: the first section deals with the general conclusions of the work, and the second section deals with the specific conclusions of the work.

6. The sixth part of the report deals with the general conclusions of the work. It is divided into two main sections: the first section deals with the general conclusions of the work, and the second section deals with the specific conclusions of the work.

7. The seventh part of the report deals with the general conclusions of the work. It is divided into two main sections: the first section deals with the general conclusions of the work, and the second section deals with the specific conclusions of the work.

8. The eighth part of the report deals with the general conclusions of the work. It is divided into two main sections: the first section deals with the general conclusions of the work, and the second section deals with the specific conclusions of the work.

9. The ninth part of the report deals with the general conclusions of the work. It is divided into two main sections: the first section deals with the general conclusions of the work, and the second section deals with the specific conclusions of the work.

10. The tenth part of the report deals with the general conclusions of the work. It is divided into two main sections: the first section deals with the general conclusions of the work, and the second section deals with the specific conclusions of the work.

11. The eleventh part of the report deals with the general conclusions of the work. It is divided into two main sections: the first section deals with the general conclusions of the work, and the second section deals with the specific conclusions of the work.

12. The twelfth part of the report deals with the general conclusions of the work. It is divided into two main sections: the first section deals with the general conclusions of the work, and the second section deals with the specific conclusions of the work.

An Act to provide for
Municipal Hydro-Electric Service in
The Regional Municipality of Halton

1st Reading

June 4th, 1979

2nd Reading

June 19th, 1979

3rd Reading

June 19th, 1979

THE HON. J. A. C. AULD
Minister of Energy

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to provide for the
Establishment of Local Services Boards**

THE HON. L. BERNIER
Minister of Northern Affairs

BILL 122

1979

An Act to provide for the Establishment of Local Services Boards

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means a Local Services Board established under this Act;
- (b) "Board area" means the geographical area within which the Board may exercise its jurisdiction;
- (c) "inhabitant", except for the purposes of sections 3 and 31, means a permanent resident of a Board area or an owner of property situate in a Board area, who is a Canadian citizen and who has attained the full age of eighteen years;
- (d) "Minister" means the Minister of Northern Affairs;
- (e) "owner" means a person entitled to convey land and whose interest in the land is defined and whose name is specified in an instrument registered in the proper land registry office.

2. This Act applies only in territory without municipal organization. Application

3.—(1) In this section and in section 31, "inhabitant" means a permanent resident of a proposed Board area or an owner of property situate in a proposed Board area, who is a Canadian citizen and who has attained the full age of eighteen years. Interpre-
tation

(2) Any ten inhabitants desiring the establishment of a Local Services Board may, in writing, authorize and name one of their number to call a meeting of the inhabitants to consider the desirability of establishing a Local Services Board. Calling of
meeting

Notice

(3) Where the person named does not call a meeting within ten days after being authorized to do so, any person who signed the authorization may call a meeting.

Idem

(4) The notice calling the meeting,

(a) shall be in Form 1;

(b) shall set forth by description or drawing the proposed Board area and the place, date, time and purpose of the meeting;

(c) shall be posted up in at least six conspicuous places in the proposed Board area;

(d) shall be sent by registered mail to the Minister; and

(e) may be published in a newspaper having general circulation in the proposed area,

and the day named in the notice shall be at least fourteen days from the date of the last posting or mailing, whichever occurs later.

Meeting

(5) The meeting shall take place at the time and place set forth in the notice, and the person named to call the meeting shall preside at the meeting as chairman, but, if he is absent or declines to act, the inhabitants who are present at the meeting shall elect one of their number to act as chairman.

Recording
secretary

(6) The chairman shall appoint from among the inhabitants present a recording secretary who shall,

(a) record the proceedings of the meeting;

(b) post up copies of the record of the proceedings in at least six conspicuous places in the proposed Board area; and

(c) shall send a signed copy of the record of the proceedings, including the recommendations agreed upon by the meeting under subsection 8, by registered mail to the Minister.

Voting

(7) Any recommendation or other matter to be determined at the meeting shall be determined by a vote of the majority of the inhabitants present and voting, and the chairman shall decide how the voting shall be conducted.

Recommendations

(8) The inhabitants shall make recommendations to the Minister in respect of,

(a) the desirability of establishing a Local Services Board;

- (b) the boundaries of the Board area;
- (c) the name of the Board;
- (d) whether the number of Board members should be three or five;
- (e) the powers, chosen from those set out in the Schedule hereto, which the Board should have; and
- (f) such other matters as the inhabitants consider appropriate.

(9) The recommended boundaries of the proposed Board area shall not include a greater area than the area described in the notice calling the meeting. Boundaries

4. Where the Minister receives the recommendations made under section 3, the Minister may, by order, Powers of Minister

- (a) establish a Local Services Board under the name of "The Local Services Board of";
- (b) establish the boundaries of the Board area;
- (c) establish the number of Board members;
- (d) establish the term of office of the first Board;
- (e) designate the powers from those listed in the Schedule hereto that the Board may exercise;
- (f) provide for all matters necessary to conduct the election for the first Board members; and
- (g) provide for such other matters as the Minister considers appropriate.

5. Except as may be provided for by order of the Minister made under section 4, the term of office of a Board member shall be for one year from the 1st day of October in any year to the 30th day of September in the next year. Term of office

6.—(1) A Board is a corporation but *The Corporations Act* does not apply to the Board. Board is corporation
R.S.O. 1970,
c. 89

(2) A Board is not a municipality or a local board for the purposes of any Act. Board not municipality or local board

Powers	<p>7.—(1) A Board may exercise the powers designated in the order of the Minister and in the exercise of those powers may do all things and make all arrangements necessary to provide, maintain and improve services in the Board area.</p>
Areas	<p>(2) Where, in the exercise of its powers, a Board provides a service, the Board may,</p> <ul style="list-style-type: none"> (a) provide the service to the whole of the Board area or to one or more parts of the Board area designated by the Board; or (b) provide a different level of the service to different designated parts of the Board area, <p>provided that no fee shall be charged and no levy shall be imposed in respect of a service or a level of service in any part of the Board area in which the service or the level of service is not provided.</p>
Review	<p>(3) A Board may at any time apply to the Minister for a review of the powers being exercised by the Board.</p>
Committees	<p>(4) The Board may appoint such committees to advise it in the conduct of its affairs as the Board considers appropriate.</p>
Insurance	<p>(5) The Board shall, by by-law, contract for insurance against risks that may involve pecuniary loss or liability on the part of the Board and provide for the payment of premiums therefor.</p>
Limitation on actions	<p>(6) No action shall be brought against a Board or any member of a Board for damage caused by any failure by the Board to exercise any of its powers or to provide any service.</p>
Assignment of contracts R.S.O. 1970, c. 89	<p>(7) A Board may by by-law accept the assignment of any contract or agreement entered into by a corporation incorporated under Part III of <i>The Corporations Act</i> where the subject-matter of the contract or agreement is consistent with the powers of the Board.</p>
Acquisition of land	<p>8. In the exercise of its powers, a Board may acquire land by purchase or lease for its purposes and, when the land is no longer required for the purposes of the Board, dispose of it.</p>
Chairman head of Board	<p>9.—(1) The chairman is the head of the Board and shall preside at all meetings of the Board.</p>
Absence, etc., of chairman	<p>(2) In the absence of the chairman, or if his office is vacant, or if he refuses to act, the Board may, from among its members, appoint an acting chairman who, during such absence, vacancy or refusal to act, shall act in the place of the chairman and preside at the meetings of the Board.</p>

(3) If a member of the Board ceases to be an inhabitant, fails to attend any three consecutive meetings of the Board, refuses to act or dies, the remaining Board members may by by-law call a public meeting to elect an inhabitant of the Board area to serve for the remainder of the term of such member and the provisions of subsections 2, 3, 6 and 7 of section 19 apply. Failure to attend meetings, etc.

10.—(1) A majority of members of the Board constitutes a quorum. Quorum

(2) The concurrent vote of the majority of the whole number of Board members is necessary to pass any by-law or approve any measure. Voting

(3) All meetings of the Board shall be open to the public. Meetings open

11. Subject to the provisions of this Act, the Board shall by by-law establish its own procedures. Procedures

12.—(1) All by-laws of the Board shall be under seal. Seal

(2) The Board shall by by-law authorize the secretary and one or more members of the Board to be signing officers on behalf of the Board. Signing officers

13. A Board member shall not be paid any remuneration for the performance of his duties as a Board member. No remuneration

14.—(1) The Board shall appoint a secretary, Secretary

(a) who may be a member of the Board other than the chairman; and

(b) who shall hold office at the pleasure of the Board.

(2) The secretary before entering on the duties of office shall give security in a form and on such terms as the Minister may approve for the faithful performance of such duties and for duly accounting for and paying over all moneys that come into his hands. Security

(3) The premiums in respect of the security shall be paid by the Board. Premiums

(4) In addition to the other duties prescribed by this Act, the secretary shall, Duties

(a) attend all meetings of the Board;

(b) keep minutes of such meetings;

- (c) ensure that copies of the minutes of meetings are posted up in at least six conspicuous places;
- (d) post up notices of meetings called by the Board;
- (e) carry on correspondence as directed by the Board;
- (f) receive and safely keep all moneys paid to the Board;
- (g) maintain books of account and other records as may be required by the Board or by the Minister; and
- (h) perform such other duties as the Board may assign.

Honorarium

15. The Board may pay to the secretary such honorarium as the Board by by-law determines.

Public meetings

16. A Board shall conduct sufficient public meetings so that the inhabitants may,

- (a) participate in a discussion of the current and proposed programs of the Board;
- (b) participate in the preparation of the annual estimates of the Board; and
- (c) participate in a discussion of the annual audit report.

Notice

17. A notice of a public meeting other than a meeting called under section 3 or 19 shall contain the place, date, time and purpose of the meeting, the signature of the secretary or the person or persons calling the meeting, and copies of the notice shall be posted up in at least six conspicuous places in the Board area at least one week in advance of the meeting.

Improper conduct

18. The chairman may expel or exclude from any meeting any person including a Board member for improper conduct at the meeting.

Election meeting

19.—(1) In each year, the Board shall call an election meeting of the inhabitants to be held in the Board area after the 1st day of August and before the 30th day of September for the purpose of electing a new Board.

Notice

(2) At least two weeks before the election meeting, the secretary shall post up notice of the place, date and time of the election meeting in at least six conspicuous places in the Board area and shall send a copy of the notice by registered mail to the Minister.

(3) The chairman of the Board shall act as chairman of the election meeting. Chairman

(4) If the Board fails to call an election meeting before the 10th day of September, the secretary shall immediately call such a meeting by giving notice as provided in subsection 2 and shall act as the chairman of the meeting notwithstanding that the chairman of the Board attends the meeting. Failure to call meeting

(5) If in any year both the Board and the secretary fail to call an election meeting before the 15th day of September, any ten inhabitants may call a meeting and may appoint one of their number to act as chairman of the meeting and such inhabitant shall act as chairman notwithstanding that the chairman of the Board attends the meeting. Idem

(6) Any inhabitant is eligible to be elected as a member of the Board. Qualifications

(7) For all elections after the first election, the Board shall, subject to subsection 8, determine all matters relating to the conduct of elections. Conduct of elections

(8) Voting for the election of members of the Board shall be by way of secret ballot. Voting

20. Where the eligibility of any inhabitant to vote or to seek office is challenged, the chairman shall require that the inhabitant whose eligibility has been challenged swear an affidavit before him in Form 2 and, where the inhabitant swears such affidavit, he may thereupon vote at the meeting or be eligible to seek office. Challenge to eligibility

21. The Board shall hold its first meeting after the election meeting not later than the 10th day of October, and at such meeting shall elect one of its members as chairman. First meeting

22. On or before the 15th day of October in each year, the Minister of Revenue shall cause to be sent to the secretary of every Board a copy of that portion of the Provincial Land Tax Register showing the lands in the Board area liable to assessment and taxation under *The Provincial Land Tax Act* and the amount of the assessment. Provincial Land Tax Register
R.S.O. 1970, c. 370

23.—(1) Before the 1st day of December in each year, the Board shall prepare and, after public discussion, adopt annual estimates of all amounts required for the purposes of the Board for operating and capital expenditures for the current fiscal year. Annual estimates

(2) In preparing the estimates, the Board shall take into account any surplus from the previous year that will be available Matters to be taken into account

in the current year, any operating deficit from the previous year and any debt owing to the Crown payable in the current year.

Contents of
estimates

(3) The estimates shall set out,

(a) the amounts to be raised;

(b) the manner in which the amounts are to be raised; and

(c) the rate or rates, if any, which the Board proposes be added to the provincial land tax in the whole or any part of the Board area.

Where rates
to be added
under
R.S.O. 1970,
c. 370

(4) No rate shall be imposed under *The Provincial Land Tax Act* for the purposes of the Board, unless the rate, the purpose for which it is to be levied, and the area in which the rate is to be levied, are approved by a majority vote of the inhabitants present and voting at a meeting called for that purpose.

Copy to
Minister

(5) Before the 10th day of December in each year, the secretary shall send a copy of the estimates and the by-law adopting the estimates to the Minister by registered mail.

Payment
to Board

24.—(1) The Minister shall pay to the Board annually out of moneys appropriated therefor by the Legislature such amount as he considers appropriate after taking into account the estimates of the Board, the moneys paid to the Board by the Minister of Revenue under section 26, the fees collected by the Board for the supply of services or the use of facilities and such other amounts as by the initiatives of the inhabitants have been raised and granted to the Board.

Idem

(2) The Minister may pay to the Board annually out of moneys appropriated therefor by the Legislature an amount equal to twice the amount that the rate or rates levied under section 26 would produce if levied in respect of the improved Crown land within the Board area.

Rates under
R.S.O. 1970,
c. 370

25.—(1) Where in any year the inhabitants have approved a rate or rates to be levied under *The Provincial Land Tax Act* as provided for in section 23, the Board may by by-law passed before the 1st day of December in that year request the Minister of Revenue to levy and collect under that Act in the next ensuing calendar year, such rate or rates in respect of properties taxable under *The Provincial Land Tax Act*.

Copy of
by-law to
Minister
of Revenue

(2) The secretary shall send a copy of the by-law passed under subsection 1 to the Minister of Revenue by registered mail immediately after the passing of the by-law.

Levy under
R.S.O. 1970,
c. 370

26.—(1) Where the Minister of Revenue receives a by-law passed under subsection 1 of section 25, he shall levy in the

calendar year for which the by-law was passed the rate or rates set out in the by-law in respect of the property taxable under *The Provincial Land Tax Act* in the whole or such part of the Board area to which the rate or rates apply, and such rate or rates and the amounts imposed are deemed to be a tax and shall be shown on the tax bill for such property as "Taxes for the purposes of The Local Services Board of . . . (naming the Board)", and shall be collected as though it were for all purposes provincial land tax.

(2) Notwithstanding section 3 of *The Provincial Land Tax Act*, land belonging to the Board is exempt from taxation under *The Provincial Land Tax Act*. Exemption

(3) The Minister of Revenue shall pay to the Board the amounts collected under subsection 1. Payment to Board

27. The Board may by by-law establish such reserves from its revenues as the Board considers appropriate for expenditure in a subsequent fiscal year or years. Reserves

28. A Board may incur a debt for the purposes of the Board but shall not incur any debt the payment of which is not provided for in the estimates for the current fiscal year of the Board unless, Debt

(a) it is a debt owed to the Crown in right of Ontario; or

(b) the purpose for which the debt is to be incurred and the amount thereof is approved by a majority vote of the inhabitants present and voting at a meeting called for that purpose and the approval of the Minister to the incurring of the debt is obtained.

29.—(1) A Board shall engage a public accountant licensed as a municipal auditor under *The Municipal Affairs Act* to audit its accounts and transactions and to make a report to it annually or more often as the board requires. Audit
R.S.O. 1970,
c. 118

(2) The fiscal year of a Board is the year commencing on the 1st day of October and expiring with the 30th day of September next following. Fiscal
year

(3) The secretary shall send a copy of the annual audit report by registered mail to the Minister. Copy of
report to
Minister

(4) The secretary shall permit any inhabitant at any reasonable time to examine and copy the audit report. Examina-
tion of
report

(5) The Minister may at any time cause the accounts and transactions of a Board to be audited. Audit
required by
Minister

Minister
may
dissolve
Board

30. Where the Minister determines that a Board is misusing its funds or is not administering its affairs in a proper and straightforward manner or cannot or is unlikely to be able to meet its obligations as they fall due, the Minister may by order,

- (a) dissolve the Board and call a new election;
- (b) dissolve the Board and assume the powers of the Board; or
- (c) dissolve the Board and the Board area and subsection 3 of section 32 applies to the order.

Proposal
to alter
boundaries
or vary
powers

31.—(1) Where a Board considers it desirable that the boundaries of the Board area be altered or the powers of the Board be varied, the Board shall put the proposal to a vote of the inhabitants at a meeting called for that purpose, and the notice of such meeting shall outline the proposal.

Notice

(2) Where it is proposed that the Board area be enlarged, the secretary shall post within the area proposed to be added the notice mentioned in subsection 1 and inhabitants in the area proposed to be added may attend the meeting and vote upon the proposal.

Recording
of vote

(3) Where it is proposed that the boundaries of a Board area be altered, the secretary shall record separately the vote of the inhabitants within the area that it is proposed to be added to, or to be removed from, the Board area.

Powers of
Minister

(4) Where a majority of the inhabitants present at the meeting vote in favour of a proposal made under subsection 1, the secretary shall forward to the Minister,

- (a) a copy of the proposal as approved at the meeting;
- (b) a statement of the results of the vote showing the vote of the inhabitants for and against the proposal; and
- (c) where it is proposed that the boundaries of the Board be altered, a statement of the vote of the inhabitants of the area it is proposed be added to or removed from the Board area,

and the Minister may make such order as he considers appropriate.

Proposal to
dissolve
Board

32.—(1) Where a board or any ten inhabitants propose that the Board be dissolved, the proposal shall be put to a vote of the

inhabitants at a meeting called for that purpose, and the notice of such meeting shall outline the proposal.

(2) Where the majority of inhabitants present at the meeting approve a proposal that the Board be dissolved, the secretary shall send to the Minister a copy of the proposal together with a statement of the vote for and against the proposal, and the Minister, if he considers it appropriate, may by order dissolve the Board and the Board area. Powers of Minister

(3) In an order for dissolution, the Minister may make such provisions with respect to the transfer of liabilities and assets of the Board as he considers appropriate. Transfer of assets and liabilities

33. The Minister may by order prescribe a French language version of any form that is prescribed by this Act and provide for its use. Forms in French language

34. The Lieutenant Governor in Council may make regulations amending the Schedule hereto. Regulations

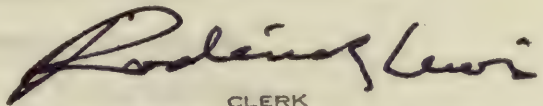
35. Section 21 of *The Provincial Land Tax Act*, being chapter 370 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection: R.S.O. 1970, c. 370, s. 21, amended

(4) In determining for the purposes of subsection 3 the annual tax imposed under this Act no account shall be taken of any tax imposed pursuant to *The Local Services Boards Act, 1979*. Idem 1979, c. ...

36. This Act comes into force on the day it receives Royal Assent. Commencement

37. The short title of this Act is *The Local Services Boards Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV 30 1979



CLERK
LEGISLATIVE ASSEMBLY

SCHEDULE

1. WATER SUPPLY

The Board may, by by-law,

(a) acquire, establish, operate and maintain works for; or

(b) contract for,

a supply of water and for that purpose may regulate the time, manner, extent and nature of such supply and the persons to whom water may be supplied, and may charge a fee for the cost of such supply.

2. FIRE PROTECTION

The Board may, by by-law,

(a) acquire, establish, operate and maintain a fire-hall, fire engines and apparatus and equipment for fire fighting and fire protection; or

(b) contract for fire protection,

and may charge a fee for the cost of such service.

3. GARBAGE COLLECTION

The Board may, by by-law,

(a) establish and maintain a system for the collection and removal of garbage; or

(b) contract for the collection, removal and disposal of garbage,

and for that purpose may regulate the occasions, manner, extent and nature of such service and the persons to whom such service may be supplied, and may charge a fee for the cost of such service.

4. SEWAGE

The Board may, by by-law,

(a) acquire, establish, operate and maintain sewage works, including sewers, pumping plants, treatment works and other like works necessary for a sewage collection and treatment system; or

(b) contract for the collection and treatment of sewage,

and for such purposes may charge a fee for such service or add a surcharge to the fee, if any, for water supply, or,

(c) upon such terms and conditions as the Board considers appropriate and with the approval of a majority of the inhabitants at a meeting called for that purpose, financially assist by grant or loan the installation of private septic tank systems or other systems approved by the Ministry of the Environment for the benefit of any inhabitant or inhabitants.

5. STREET OR AREA LIGHTING

The Board may, by by-law,

(a) contract with Ontario Hydro or any person for the provision of street or area lighting in the Board area; or

(b) contract with Ontario Hydro or any person for the provision of power and acquire by purchase or lease lights, light standards and lighting equipment in order to provide street or area lighting in the Board area,

and may charge a fee for the cost of such service, but no Board shall generate its own power.

6. RECREATION

The Board may, by by-law,

(a) contract for the use of recreation facilities or participation in programs of recreation;

(b) provide for the carrying out of programs of recreation; or

(c) acquire, establish, construct, operate and maintain recreation facilities,

and may charge fees in respect of the programs of recreation or the recreation facilities, and the Board shall be deemed to be an approved corporation for the purposes of *The Community Recreation Centres Act, 1974*.

FORM 1

NOTICE OF MEETING

TAKE NOTICE that a meeting will be held to consider the desirability of establishing a Local Services Board in thearea.

The proposed Board area to be considered at the meeting is _____

(describe boundaries of proposed Board area or attach a

drawing or map depicting the proposed Board area).

The meeting will take place:

at _____
(time)

on _____
(day)

in _____
(place)

Date of Notice:

Signature of Person
calling the meeting _____

FORM 2

AFFIDAVIT OF ELIGIBILITY TO VOTE

I, _____, of
(print name)

_____ make oath and say as follows:

1. I am a Canadian Citizen;
 2. I am of the full age of eighteen years;
- (complete either 3 or 4)

If person
making
affidavit
is a
permanent
resident

3. I do permanently reside at _____

_____ (a brief description of the property's location)

in the Board area.

OR

If person
making
affidavit
is not a
permanent
resident
but owns
property
within the
Board Area

4. I am the owner of _____
(legal description, or if unavailable,

_____ a brief description of property's location)

located in the Board area.

And I do verily believe that I am an inhabitant as defined by section 1 (c) of *The Local Services Boards Act, 1979*.

Sworn before me in the

District of

in the Province of Ontario,

this day of , 19 .

Signature of person
making affidavit

Chairman,
the Local Services Board of

(Name of Local Services Board)

An Act to provide
for the Establishment of
Local Services Boards

1st Reading

June 7th, 1979

2nd Reading

November 13th, 1979

3rd Reading

November 26th, 1979

THE HON. L. BERNIER
Minister of Northern Affairs

Bill 123
BILL 123

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to provide for Municipal Hydro-Electric Service
in The Regional Municipality of Durham**

THE HON. J. A. C. AULD
Minister of Energy

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 123

1979

**An Act to provide for
Municipal Hydro-Electric Service in
The Regional Municipality of Durham**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "accumulated net retail equity" means the portion of equity accumulated through debt retirement appropriations recorded for the Rural Power District relating to Ontario Hydro's rural retail system plus the portion of the balance recorded for customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;
- (b) "area municipality" means the municipality or corporation of the City of Oshawa, the Town of Ajax, the Town of Newcastle, the Town of Pickering, the Town of Whitby, the Township of Brock, the Township of Scugog and the Township of Uxbridge;
- (c) "Minister" means the Minister of Intergovernmental Affairs;
- (d) "municipal commission" means a hydro-electric commission or public utilities commission entrusted with the control and management of works for the retail distribution and supply of power in the Regional Area within the meaning of *The Regional Municipality of Durham Act, 1973* immediately before the coming into force of this Act and established or deemed to be established under Part III of *The Public Utilities Act*; 1973, c. 78
- (e) "power" means electrical power and includes electrical energy; R.S.O. 1970,
c. 390

(f) "regulations" means the regulations made under this Act;

(g) "retail", when used in relation to the distribution and supply of power, refers to the distribution and supply of power at voltages less than 50 kilovolts, but does not refer to works located within a transformer station that transform power from voltages greater than 50 kilovolts to voltages less than 50 kilovolts.

Commissions
established

2.—(1) On the day this Act comes into force, a hydro-electric commission for each area municipality is hereby established.

Application of
R.S.O. 1970,
cc. 390, 354

(2) Each commission established by subsection 1 shall be deemed to be a commission established under Part III of *The Public Utilities Act* and a municipal commission within the meaning of *The Power Corporation Act*.

Names of
commissions

(3) Each commission established by subsection 1 shall be known by the name set out below that relates to the area municipality in respect of which the commission is established:

1. Ajax Hydro-Electric Commission.
2. Brock Hydro-Electric Commission.
3. Newcastle Hydro-Electric Commission.
4. Oshawa Public Utilities Commission.
5. Pickering Hydro-Electric Commission.
6. Scugog Hydro-Electric Commission.
7. Uxbridge Hydro-Electric Commission.
8. Whitby Hydro-Electric Commission.

Composition

(4) Each commission established by subsection 1 shall consist of the mayor of the area municipality in respect of which the commission is established and additional members who are qualified electors under *The Municipal Elections Act, 1977* in the area municipality.

1977, c. 62

When area
municipality
may deter-
mine size of
commission

(5) Except as otherwise provided in this Act, the council of each area municipality shall determine by by-law whether the number of additional members of the commission established by subsection 1 in respect of the area municipality shall be two or four.

First
commission,
Ajax

(6) For the term expiring with the 30th day of November, 1980, the Ajax Hydro-Electric Commission established by sub-

section 1 shall consist of the mayor of the Town of Ajax and the following additional members who shall be appointed by the council of the Town of Ajax:

1. Two members of the Hydro-Electric Commission of the Town of Ajax as it existed immediately before the coming into force of this Act.
2. One member of the Public Utilities Commission of the Village of Pickering as it existed immediately before the coming into force of this Act.
3. One person who resides outside the part of the Town of Ajax supplied with power by a municipal commission immediately before the coming into force of this Act.

(7) For the term expiring with the 30th day of November, 1980, the Brock Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Township of Brock and the following additional members who shall be appointed by the council of the Township of Brock:

First
commission,
Brock

1. One member of the Hydro-Electric Commission of the Village of Beaverton as it existed immediately before the coming into force of this Act.
2. One member of the Hydro-Electric Commission of the Village of Cannington as it existed immediately before the coming into force of this Act.
3. One member of the Hydro-Electric Commission of Sunderland as it existed immediately before the coming into force of this Act.
4. One person who resides outside the part of the Township of Brock supplied with power by a municipal commission immediately before the coming into force of this Act.

(8) For the term expiring with the 30th day of November, 1980, the Newcastle Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Town of Newcastle and the following four additional members who shall be appointed by the council of the Town of Newcastle:

First
commission,
Newcastle

1. One member of the Public Utilities Commission of the Town of Bowmanville as it existed immediately before the coming into force of this Act.

2. One member of the Public Utilities Commission of the Village of Newcastle as it existed immediately before the coming into force of this Act.
3. One member of the Hydro-Electric Commission of Orono as it existed immediately before the coming into force of this Act.
4. One person who resides outside the part of the Town of Newcastle supplied with power by a municipal commission immediately before the coming into force of this Act.

First
commission,
Oshawa

(9) For the term expiring with the 30th day of November, 1980, the Oshawa Public Utilities Commission established by subsection 1 shall consist of the mayor of the City of Oshawa and four additional members who shall be appointed by the council of the City of Oshawa, at least three of whom shall be as follows:

1. Two members of the Public Utilities Commission of the City of Oshawa as it existed immediately before the coming into force of this Act.
2. One person who resides outside the part of the City of Oshawa supplied with power by a municipal commission immediately before the coming into force of this Act.

First
commission,
Pickering

(10) For a term commencing on the day this Act comes into force and expiring with the 30th day of November, 1982, the Pickering Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Town of Pickering and four additional members who shall be appointed by the council of the Town of Pickering.

First
commission,
Scugog

(11) For the term expiring with the 30th day of November, 1980, the Scugog Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Township of Scugog and additional members who shall be appointed by the council of the Township of Scugog as follows:

1. At least one-half of the additional members shall be members of the Hydro-Electric Commission of the Village of Port Perry as it existed immediately before the coming into force of this Act.
2. At least one of the additional members shall be a person who resides outside the part of the Township of Scugog supplied with power by a municipal commission immediately before the coming into force of this Act.

(12) For the term expiring with the 30th day of November, 1980, the Uxbridge Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Township of Uxbridge and additional members who shall be appointed by the council of the Township of Uxbridge as follows:

First
commission,
Uxbridge

1. At least one-half of the additional members shall be members of the Public Utilities Commission of the Township of Uxbridge as it existed immediately before the coming into force of this Act.
2. At least one of the additional members shall be a person who resides outside the part of the Township of Uxbridge supplied with power by a municipal commission immediately before the coming into force of this Act.

(13) For the term expiring with the 30th day of November, 1980, the Whitby Hydro-Electric Commission established by subsection 1 shall consist of the mayor of the Town of Whitby and the members, other than *ex officio* members, of the Public Utilities Commission of the Town of Whitby as it existed immediately before the coming into force of this Act.

First
commission,
Whitby

(14) Where this section provides that one or more members of a municipal commission are to be additional members for a term specified by this section and the number of such members who are qualified electors under *The Municipal Elections Act, 1977* is less than the required number of additional members, the council of the area municipality in respect of which the commission was established under subsection 1 shall appoint an additional member or additional members so that there will be the required number of additional members of the corporation.

Additional
members
of first
commission
1977, c. 62

(15) For terms commencing after the 30th day of November, 1980, or, for the Pickering Hydro-Electric Commission, the 30th day of November, 1982, the additional members of each commission established by subsection 1 shall be elected by a general vote of the electors of the area municipality served by the commission, unless before the 1st day of July, 1980 or, for the Pickering Hydro-Electric Commission, the 1st day of July, 1982, the council of the area municipality provides by by-law that the additional members shall be appointed by the council or that the additional members shall be elected by wards.

Additional
members of
subsequent
commissions

(16) Where, under subsection 15, the council of an area municipality provides that the additional members shall be elected by wards and the number of additional members is greater than the number of wards, one of the additional members shall be elected from each ward and the balance of the additional members

Election
by wards

shall be elected by general vote of the electors in the area municipality.

Idem

(17) Notwithstanding subsection 15, where the number of additional members is less than the number of wards, the council of the area municipality shall not provide that the additional members be elected by wards.

Eligibility
of members
of council

(18) Members of the council of the area municipality served by a commission established by subsection 1 may be members of the commission, but the members of the council shall not form a majority of the commission.

Term of
office

(19) Subject to subsection 10, a member of a commission established by subsection 1 shall hold office for the same term as the members of council or until his successor is elected or appointed.

Delegates

(20) The council of an area municipality served by a commission established by subsection 1 may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission.

Salary of
first
commissions

(21) The salaries of the members of the commissions established by subsection 1 for the period expiring with the 30th day of November, 1980 shall be fixed on or before the 1st day of October, 1979 in an amount that does not exceed the highest salary paid to members of the municipal commissions operating in the Regional Area within the meaning of *The Regional Municipality of Durham Act, 1973* on the 1st day of January, 1979.

1973, c. 78

Resignations

(22) A resignation from the council of an area municipality of a member of the council who is a member of a commission established by subsection 1 shall be deemed to be a resignation from both the council and the commission.

Powers of
commissions
R.S.O. 1970,
c. 390

3.—(1) Except as herein provided, all the powers, rights, authorities and privileges that are conferred by *The Public Utilities Act* on a municipal corporation with respect to power shall, on and after the 1st day of January, 1980, be exercised on behalf of each area municipality by the commission established by section 2 in respect of the area municipality and not by the council of any municipality or any other person.

Right to
distribute
and supply
power

(2) Subject to sections 4 and 5, on and after the 1st day of January, 1980, each commission established by section 2 has the sole right to distribute and supply power within the area municipality in respect of which it is established.

Subsisting
contracts

(3) The right of a commission established by section 2 to distribute and supply power is subject to any subsisting contracts for

the supply of power made under section 70 of *The Power Corporation Act*. R.S.O. 1970, c. 354

(4) A commission established by section 2 may contract with Ontario Hydro without electoral assent or other approval or authorization for the transmission and supply to the commission of power to be distributed and sold in the area municipality served by the commission. Contract with Ontario Hydro

(5) A contract under subsection 4 shall be deemed to be an agreement within the meaning of clause s of subsection 2 of section 293 of *The Municipal Act*. Idem R.S.O. 1970, c. 284

(6) Except where inconsistent with the provisions of this Act, the provisions of *The Power Corporation Act* applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the distribution and supply of power to the municipal corporation apply to the commissions established by section 2. Application of R.S.O. 1970, c. 354

(7) With the consent of a commission established by section 2, Ontario Hydro may distribute and supply power directly to customers in the area municipality in respect of which the commission is established. Direct customers

4.—(1) Ontario Hydro shall continue to distribute and supply power in those areas of the Town of Newcastle, and the townships of Brock, Scugog and Uxbridge that Ontario Hydro served immediately before the coming into force of this Act. Where Ontario Hydro to distribute and supply power

(2) The duty of Ontario Hydro under subsection 1 to distribute and supply power in an area municipality is terminated, on the date specified in the by-law, by a by-law passed with the consent of Ontario Hydro by the council of the area municipality under clause a of subsection 1 of section 5. Termination of duty to distribute and supply power

(3) Sections 7 and 10 do not apply in respect of the assets and employees of Ontario Hydro in an area municipality until the passing of the by-law referred to in subsection 2. Assets and employees

5.—(1) The council of each of the Town of Newcastle and the townships of Brock, Scugog and Uxbridge, with the consent of Ontario Hydro and without the assent of the municipal electors, by by-law, Supply of power in all areas of municipalities of Brock, Newcastle, Scugog, Uxbridge

(a) may direct the commission established by section 2 in respect of the municipality to commence on a day specified by the by-law the distribution and supply of power in all areas of the municipality and on the specified day sections 7 and 10 shall apply with neces-

sary modifications to the assets and employees of Ontario Hydro in the municipality; or

- (b) may dissolve the commission established by section 2 in respect of the municipality on a day specified by the by-law and on the specified day,
 - (i) all assets under the control and management of and all liabilities of the commission, and all debentures issued in respect of the distribution and supply of power in the municipality are, without compensation, assets and liabilities of Ontario Hydro, and
 - (ii) Ontario Hydro shall commence to distribute and supply power in all areas of the municipality.

Review of
distribution
and supply
of power

(2) Until such time as the power conferred by subsection 1 has been exercised,

- (a) the council of each of the Town of Newcastle and the townships of Brock, Scugog and Uxbridge shall review the distribution and supply of power within their respective municipalities at least once in every three years and shall determine by resolution whether or not it is financially feasible to exercise the power conferred by subsection 1; and
- (b) where the council of the Town of Newcastle or the townships of Brock, Scugog and Uxbridge determines as provided in clause *a* that it is financially feasible for the commission established under section 2 in respect of the municipality to distribute and supply power in the entire municipality, the council, subject to the approval of Ontario Hydro, shall exercise the power conferred by subsection 1.

Transfer of
assets and
liabilities

6.—(1) On the 1st day of January, 1980, all assets under the control and management of and all liabilities of the municipal commissions in each area municipality are, without compensation, assets under the control and management of and liabilities of the commission established by section 2 in respect of the area municipality.

Transitional

(2) Any of the assets, powers and responsibilities of the municipal commissions in an area municipality that pertain to the distribution and supply of power in the area municipality may be transferred by agreement before the 1st day of January, 1980 to the commission established by section 2 in respect of the area municipality.

Purchase
of retail
distribution
facilities
from Ontario
Hydro

7.—(1) On or before the 1st day of January, 1980, each commission established by section 2 shall purchase, on behalf of the

area municipality served by the commission, and Ontario Hydro shall sell to the commission the assets and liabilities of Ontario Hydro that pertain to the distribution and supply of power at retail in the area municipality.

(2) The purchases mentioned in subsection 1 shall include equipment leased by Ontario Hydro to retail customers in the area municipalities for the use of power supplied to the retail customers. Leased
equipment

(3) The purchase price shall be determined in accordance with the regulations and shall be equal to the original cost of the assets less the sum of, Purchase
price

(a) the accumulated net retail equity of the customers supplied with power through the assets; and

(b) the accumulated depreciation associated with the assets.

(4) If the purchase price under subsection 3 is not determined before the 1st day of January, 1981, either of the parties at any time thereafter may request that the purchase price be determined either by a single arbitrator agreed on by the parties or by a board of arbitration. Where price
to be
determined
by
arbitration

(5) Where a request is made under subsection 4 for a determination by a single arbitrator and the parties are unable to agree on an arbitrator within thirty days after the making of the request, either of the parties may request that the purchase price be determined by a board of arbitration. Where
parties
unable to
agree on
single
arbitrator

(6) Where a request is made under subsection 4 or 5 that the purchase price be determined by a board of arbitration, Arbitration
board

(a) within fourteen days after the request, each party to the arbitration shall appoint a person as a member of the board of arbitration and shall give notice to the other party of the name and address of the person;

(b) the two members of the board of arbitration, within ten days after the giving of the notice of appointment of the second of them, shall appoint a third person to be chairman of the board of arbitration and the chairman shall give notice of his appointment to the parties; and

(c) if a party fails to appoint a member to a board of arbitration in accordance with clause *a* or if the members do not appoint a chairman in accordance with clause *b*, or in the event of the absence or inability to act or of a vacancy in the office of a member or the chairman of a board of arbitration, either party may apply on notice to the other party to the Divisional Court and the court may appoint the member or chairman.

- Application of
R.S.O. 1970,
c. 25 (7) Except as otherwise provided in this section, *The Arbitration Act* applies to subsections 4, 5 and 6.
- Interpre-
tation (8) In subsections 4, 5 and 6, "parties" means Ontario Hydro and, in each case, the commission established by section 2.
- Vesting
of real
property 8.—(1) All real property transferred by section 6 to the control and management of a commission established by section 2 or otherwise acquired by or for the commission shall be held by the commission in trust for the area municipality served by the commission.
- Disposition
of real
property (2) Where a commission established by section 2 is of the opinion, and so declares by resolution, that any real property under its control and management is not required for its purposes, unless otherwise agreed upon by the commission and the area municipality served by the commission, the real property may be disposed of as follows:
1. In the event that the area municipality served by the commission wishes in good faith to use the real property for a municipal purpose, it shall compensate the commission for the real property at its actual cost, less accrued depreciation as shown on the books of the commission or the assessed value of the real property, whichever is the greater, and when the municipality in good faith no longer wishes to use the real property for a municipal purpose, the area municipality may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.
 2. In the event that the municipality served by the commission does not wish to use the real property in accordance with paragraph 1, the commission shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the municipality and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor under this subsection shall be received by the commission and shall be applied in accordance with *The Public Utilities Act*.
- R.S.O. 1970,
c. 390 9. Except as otherwise provided in this Act, sections 100 to 121 of *The Regional Municipality of Durham Act, 1973* apply, with necessary modifications, to any borrowing for the purposes of a commission established by section 2.
- Borrowing
- 1973, c. 78,
- Interpre-
tation 10.—(1) In this section, "transfer date", when used in respect of an employee of a municipal commission or Ontario Hydro,

means the date on which a commission established by section 2 assumes liability for the payment of the wages or salary of the employee.

(2) On or before the 31st day of December, 1979, Ontario Hydro and each municipal commission that supplied power in an area municipality immediately before the coming into force of this Act shall designate those of their full-time employees who were employed in the distribution and supply of power in an area municipality on the 1st day of January, 1979, and who continued such employment until the 31st day of December, 1979 or until their transfer dates, as the case may be, and each commission established by section 2 shall offer employment to the employees designated in respect of the area municipality served by the commission. Transfer of employees

(3) A person who accepts employment under this section is entitled to receive, for a period of one year commencing on the transfer date, a wage or salary not less than the wage or salary he was receiving on the day nine months before the transfer date. Wages or salaries

(4) Each commission established by section 2 shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Act comes into force, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on his transfer date, and *The Ontario Municipal Employees Retirement System Act* applies to such person as a member of the System. Participation in O.M.E.R.S.
R.S.O. 1970,
c. 324

(5) When a person who accepts employment under this section with a commission established by section 2 is entitled immediately before his transfer date to the benefit of a supplementary agreement between the Ontario Municipal Employees Retirement Board and a municipal commission that, immediately before the coming into force of this Act, supplied power in an area municipality mentioned in subsection 1 of section 2, the commission established by section 2 shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the commission had been a party to the agreement in the place of the municipal commission. Supplementary agreements

(6) Where a person who accepts employment under this section is a contributor to The Pension and Insurance Fund of Ontario Hydro immediately before his transfer date, the present value of the pension earned by the person in The Pension and Insurance Fund of Ontario Hydro at the transfer date or the contributions of the person in the Fund with interest accumulated and credited to the person in the Fund, whichever is the greater, shall be transferred to the Ontario Municipal Employees Retirement Fund and the person shall be given credit in the Ontario Municipal Employees Transfer of pension credits from Ontario Hydro Plan

Retirement System for a period of service equal to the period of service for which he was given credit in The Ontario Hydro Pension and Insurance Plan.

Pension
guarantee

(7) Notwithstanding subsection 4, a person who accepts employment under this section with a commission established by section 2 and who,

(a) was employed by Ontario Hydro immediately before his transfer date; and

(b) continues in the employment of the commission until he or his beneficiary becomes entitled to a pension benefit,

is entitled to at least the pension benefit he would have been entitled to under The Ontario Hydro Pension and Insurance Plan if his years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there had been no change in the Plan after the 31st day of December, 1979, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection 4 shall be apportioned and paid as provided by the regulations.

Group life
insurance

(8) A person who accepts employment under this section is entitled as a term of his employment to continue as a member of the group life insurance plan in which he was a member with his former employer until the effective date of a common group life insurance plan covering all eligible employees of his new employer.

Idem

(9) On or before the 31st day of December, 1981, each commission established by section 2 shall provide a common group life insurance plan covering all of the eligible employees of the commission, and the plan shall provide to any person accepting employment under this section, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the person was entitled immediately before his transfer date.

Sick leave

(10) A person who accepts employment under this section shall continue to enjoy the rights and benefits of sick leave entitlements or sick leave insurance provided by his former employer immediately before the transfer date until the new employer establishes a sick leave entitlement plan or sick leave insurance plan, and thereupon the person shall receive allowance or credit for any accrued sick leave rights or benefits.

Life
insurance
provided to
pensioners

(11) Each commission established by section 2 shall continue the provision of life insurance to pensioners formerly employed by

a municipal commission in the distribution and supply of power in the area municipality served by the commission established by section 2.

(12) Nothing in this section prevents an employer from terminating the employment of an employee for cause. Termination
for cause

(13) Where, in the opinion of the Minister, a person who is designated or who accepts employment under this section experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship. Special
circum-
stances

11.—(1) On and after the 1st day of January, 1980, the control and management of the bus transportation system operated by the Public Utilities Commission of the City of Oshawa is entrusted to the Oshawa Public Utilities Commission established by section 2. Oshawa bus
transporta-
tion system

(2) Sections 6 and 10 apply with necessary modifications in respect of the bus transportation system operated by the Public Utilities Commission of the City of Oshawa. Application
of ss. 6, 10

12. With respect to the Pickering Hydro-Electric Commission established by section 2, each date mentioned in sections 3, 7 and 10 shall be deemed to be a date six months after the mentioned date. Pickering
Hydro-
Electric
Commission

13. For the purposes of section 143 of *The Regional Municipality of Durham Act, 1973*, the 1st day of January, 1980 is the date determined by the Minister in respect of the Regional Area within the meaning of *The Regional Municipality of Durham Act, 1973*, and on that date the municipal commissions are dissolved and the by-laws establishing them passed under sections 38 and 40 of *The Public Utilities Act* shall be deemed to be repealed and the assent of the municipal electors is not required. Dissolution
of existing
commissions
1973, c. 78

R.S.O. 1970,
c. 390

14. The Lieutenant Governor in Council may make regulations, Regulations

(a) for the purpose of subsection 3 of section 7 in respect of,

- (i) the method of determining the original cost of the assets or of any asset or of any part of any asset,
- (ii) the allocation of the original cost of the assets or of any asset or of any part of any asset,
- (iii) the method of determining the amount of any component of the accumulated net retail equity,

- (iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,
 - (v) the method of calculating accumulated depreciation of any component of accumulated depreciation,
 - (vi) the allocation of accumulated depreciation or any component of accumulated depreciation,
 - (vii) the method of payment of the price of the assets;
- (b) for the purposes of subsection 7 of section 10, in respect of the apportionment of the excess cost of any benefit referred to in the subsection and the payment of the excess cost or any part thereof.

Commence-
ment

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. The short title of this Act is *The Durham Municipal Hydro-Electric Service Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 22, 1979

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to provide for
Municipal Hydro-Electric Service in
The Regional Municipality of Durham

1st Reading

June 7th, 1979

2nd Reading

June 19th, 1979

3rd Reading

June 19th, 1979

THE HON. J. A. C. AULD
Minister of Energy

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act respecting the Village of Point Edward

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

BILL 131

1979

An Act respecting the Village of Point Edward

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any general or special Act, *The Assessment Act* applies to the real property vested in or controlled by the Blue Water Bridge Authority and located in the Village of Point Edward except the structure known as the Blue Water Bridge.

R.S.O. 1970,
c. 32 to apply
to real
property of
the Blue
Water Bridge
Authority

2.—(1) The Blue Water Bridge Authority shall pay to The Corporation of the Village of Point Edward in lieu of municipal taxes, including school taxes, on the structure known as the Blue Water Bridge located in the Village of Point Edward and in lieu of business assessment in respect thereto for the years 1978, 1979, 1980, 1981 and 1982 the following sums of money:

Payments
in lieu of
taxes

1978	\$57,000 plus local improvement rates.
1979	\$65,000 plus local improvement rates.
1980	\$70,000 plus local improvement rates.
1981	\$75,000 plus local improvement rates.
1982	\$80,000 plus local improvement rates.

(2) The sums of money referred to in subsection 1, shall be deemed to be municipal taxes due upon the structure known as the Blue Water Bridge in the respective years set out in subsection 1 and shall be added to the collector's roll of taxes in the appropriate year and may be collected in the same manner as municipal taxes, together with interest thereon, accruing from the date of being added to the collector's roll at the same rate as interest added by The Corporation of the Village of Point Edward under section 553 of *The Municipal Act* to taxes due and unpaid, and is, until so collected or otherwise paid, a special lien upon the structure as provided for in section 511 of the said Act.

Collection
of
payments

R.S.O. 1970,
c. 284

(3) Commencing on the 1st day of January, 1983, *The Assessment Act* applies to the structure known as the Blue Water Bridge.

Application
of
R.S.O. 1970,
c. 32 to
bridge
structure

Repeals

3. The following are repealed:

1. *The Blue Water Bridge Act, 1940*, being chapter 2.
2. *The Village of Point Edward Act, 1972*, being chapter 87.

Commence-
ment**4.** This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is *The Village of Point Edward Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 22, 1979

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the
Village of Point Edward

1st Reading

June 15th, 1979

2nd Reading

June 22nd, 1979

3rd Reading

June 22nd, 1979

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

Pauline P. G. S. Hono
BILL 133

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to repeal
The Income Tax Discounters Act, 1977**

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 133

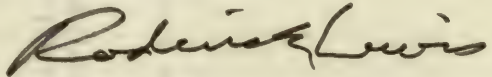
1979

**An Act to repeal
The Income Tax Discounters Act, 1977**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Income Tax Discounters Act, 1977*, being chapter 55 and *The Income Tax Discounters Amendment Act, 1978*, being chapter 1, are repealed. 1977, c. 55,
1978, c. 1,
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Income Tax Discounters Repeal Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

JUNE 22, 1979

CLERK
LEGISLATIVE ASSEMBLY

An Act to repeal
The Income Tax Discounters Act, 1977

1st Reading

June 15th, 1979

2nd Reading

June 21st, 1979

3rd Reading

June 21st, 1979

THE HON. FRANK DREA
Minister of Consumer and Commercial
Relations

S. 1001. in G. G. S. Hon.
BILL 135

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Police Act

THE HON. R. MCMURTRY
Solicitor General

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 135

1979

An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 2 of section 8 of *The Police Act*, being chapter 351 of the Revised Statutes of Ontario, 1970, is repealed ^{s. 8 (2), re-enacted} and the following substituted therefor:
 - (2) The board, except as provided in subsection 3, shall ^{Composition of board} consist of,
 - (a) the head of the council; and
 - (b) two persons appointed by the Lieutenant Governor in Council.
- (2) Subsections 3 and 4 of the said section 8, as amended by ^{s. 8 (3, 4), re-enacted} the Statutes of Ontario, 1972, chapter 1, section 97, are repealed and the following substituted therefor:
 - (3) Where a vacancy occurs on the board by reason of the ^{Vacancies} death of a member appointed by the Lieutenant Governor in Council, or where such member is unable to carry on his duties as a member of the board by reason of his illness or absence, the Solicitor General may in writing appoint some other person to act as a member of the board for a period of six months from the date of such appointment, unless the Lieutenant Governor in Council sooner appoints another member.
 - (4) The council shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations, to the members of the board ^{Remuneration} appointed by the Lieutenant Governor in Council or the Solicitor General and may provide for the payment of an allowance to the head of the council.

s. 9 (2),
re-enacted

2. Subsection 2 of section 9 of the said Act is repealed and the following substituted therefor:

Composition
of board

(2) A joint board established under subsection 1 shall consist of,

(a) the head of the council of each of the municipalities;
and

(b) such other persons as the Lieutenant Governor in Council may appoint.

Commence-
ment

3. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

4. The short title of this Act is *The Police Amendment Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR *JUNE 22, 1979*

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Police Act

1st Reading

June 18th, 1979

2nd Reading

June 21st, 1979

3rd Reading

June 21st, 1979

THE HON. R. McMURTRY
Solicitor General

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Legislative Assembly Act**

THE HON. R. WELCH
Provincial Secretary for Justice

BILL 139

1979

An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 1 and 2 of section 60 of *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1978, chapter 98, section 1, are repealed and the following substituted therefor: s. 60 (1, 2),
re-enacted

(1) An indemnity at the rate of \$22,000 per annum shall be paid to every member of the Assembly. Members'
indemnities

(2) An allowance for expenses at the rate of \$8,000 per annum shall be paid to every member of the Assembly. Members'
allowances

2. Section 61 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 98, section 2, is repealed and the following substituted therefor: s. 61,
re-enacted

61. In addition to his indemnity and allowance for expenses as a member there shall be paid an allowance for the expenses of representation, Allowance
for expenses
of repre-
sentation

(a) to the Premier, at the rate of \$4,914 per annum;

(b) to the Leader of the Opposition, at the rate of \$3,276 per annum; and

(c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of \$1,638 per annum.

3. Subsection 1 of section 62 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 98, section 3, is repealed and the following substituted therefor: s. 62 (1),
re-enacted

Indemnity;
of Speaker,
Leader of
Opposition
and leader of
a minority
party

(1) In addition to his indemnity as a member, there shall be paid,

- (a) to the Speaker an indemnity at the rate of \$15,000 per annum;
- (b) to the Leader of the Opposition an indemnity at the rate of \$19,656 per annum; and
- (c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly an indemnity at the rate of \$5,460 per annum.

s. 62a,
re-enacted

4. Section 62a of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 98, section 4, is repealed and the following substituted therefor:

Cost of
accommoda-
tion in
Toronto

62a.—(1) Where the principal residence of the Leader of the Opposition is outside The Municipality of Metropolitan Toronto, he shall be paid the actual cost of his accommodation within The Municipality of Metropolitan Toronto not exceeding \$6,552 in any year.

Idem

(2) Where the principal residence of the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly is outside The Municipality of Metropolitan Toronto, he shall be paid the actual cost of his accommodation within The Municipality of Metropolitan Toronto not exceeding \$6,552 in any year.

s. 63 (1),
re-enacted

5. Subsection 1 of section 63 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 98, section 5, is repealed and the following substituted therefor:

Chairman and
Deputy
Chairman of
Whole House
and Chairmen
of standing
committees,
indemnity

(1) In addition to his indemnity as a member, an indemnity shall be paid,

- (a) to the person who is Deputy Speaker and Chairman of the Committees of the Whole House at the rate of \$6,500 per annum;
- (b) to the Deputy Chairman of the Committees of the Whole House at the rate of \$4,000 per annum; and
- (c) to the chairman of each standing committee at the rate of \$3,000 per annum.

6. Subsection 1 of section 64 of the said Act, as re-enacted by ^{s. 64 (1),} the Statutes of Ontario, 1978, chapter 98, section 6, is repealed ^{re-enacted} and the following substituted therefor:

(1) In addition to his indemnity as a member, an ^{Whips,} indemnity shall be paid, ^{indemnities}

(a) to the Chief Government Whip, at the rate of \$6,500 per annum;

(b) to the Deputy Government Whip, at the rate of \$4,000 per annum;

(c) to each of not more than three Government Whips, at the rate of \$2,750 per annum;

(d) to the Chief Opposition Whip, at the rate of \$4,000 per annum;

(e) to each of not more than two Opposition Whips, at the rate of \$2,750 per annum; and

(f) in the case of each party that has a recognized membership of twelve or more persons in the Assembly, other than the party from which the Government is chosen and the party recognized as the Official Opposition,

(i) to the Chief Party Whip of the party, at the rate of \$3,250 per annum, and

(ii) to the Party Whip of the party, at the rate of \$2,500 per annum.

- 7.—(1) Subsection 5 of section 65 of the said Act, as re-enacted ^{s. 65 (5),} by the Statutes of Ontario, 1978, chapter 98, section 7, ^{re-enacted} is repealed and the following substituted therefor:

(5) The member of the Assembly representing the electoral district of Cochrane North, Kenora, Rainy River or Lake Nipigon shall be paid the actual cost, not exceeding \$2,730 in any year, of transportation by airplane within the electoral district and of accommodation within the electoral district or an electoral district contiguous thereto while on business ^{air travel and accom-} as a member of the Assembly and any other member of the Assembly may be paid such of his actual costs of accommodation ^{modation costs within certain electoral districts or under special circumstances} within the electoral district represented by him expended due to unusual or special circumstances while on business as a member of the Assembly as may be approved by the Board of Internal Economy, not exceeding \$2,730 in any year.

s. 65 (7) (a),
amended

(2) Clause *a* of subsection 7 of the said section 65, as re-enacted by the Statutes of Ontario, 1973, chapter 151, section 7, is amended by striking out "with portfolio".

s. 68,
re-enacted

8. Section 68 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 98, section 10, is repealed and the following substituted therefor:

House
Leaders'
indemnities

68. In addition to his indemnity as a member, an indemnity shall be paid,

(a) to the Opposition House Leader, at the rate of \$4,500 per annum plus an amount calculated at the rate of \$50 per annum in respect of each member of the Official Opposition; and

(b) to the House Leader of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly at the rate of \$2,500 per annum plus an amount calculated at the rate of \$50 per annum in respect of each member of the party.

Commence-
ment

9. This Act shall be deemed to have come into force on the 1st day of April, 1979.

Short title

10. The short title of this Act is *The Legislative Assembly Amendment Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 22, 1979

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Legislative Assembly Act

1st Reading

June 18th, 1979

2nd Reading

June 21st, 1979

3rd Reading

June 21st, 1979

THE HON. R. WELCH
Provincial Secretary for Justice

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Executive Council Act**

THE HON. R. WELCH
Provincial Secretary for Justice

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 140

1979

An Act to amend The Executive Council Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 1, 2, 3 and 3a of section 3 of *The Executive Council Act*, being chapter 153 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1978, chapter 97, section 1, are repealed and the following substituted therefor:

(1) The annual salary of every minister with portfolio is \$19,656. s. 3 (1, 2, 3, 3a),
re-enacted

(2) The member of the Executive Council holding the recognized position of First Minister shall receive, in addition, \$7,644 per annum. Additional
salary for
First
Minister

(3) The annual salary of every minister without portfolio is \$8,190. Salary of
minister
without
portfolio

(3a) The annual salary of every Parliamentary Assistant is \$5,460. Salary of
Parlia-
mentary
Assistant

2. Subsection 1 of section 3a of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 97, section 2, is repealed and the following substituted therefor: s. 3a (1),
re-enacted

(1) Every minister of the Crown whose principal residence is outside The Municipality of Metropolitan Toronto shall be paid the actual cost of his accommodation within The Municipality of Metropolitan Toronto not exceeding \$6,552 in any year. Cost of
accommoda-
tion in
Toronto

3. This Act shall be deemed to have come into force on the 1st day of April, 1979. Commence-
ment

4. The short title of this Act is *The Executive Council Amendment Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 22, 1979

Roderick Lewis

An Act to amend
The Executive Council Act

1st Reading

June 18th, 1979

2nd Reading

June 21st, 1979

3rd Reading

June 21st, 1979

THE HON. R. WELCH
Provincial Secretary for Justice

Submitted by G. L. H.
BILL 142

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend The Residential Premises Rent Review
Act, 1975 (2nd Session)**

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 142

1979

**An Act to amend
The Residential Premises Rent Review
Act, 1975 (2nd Session)**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Residential Premises Rent Review Act, 1975 (2nd Session)*, being chapter 12, as amended by the Statutes of Ontario, 1978, chapter 53, section 1, 1978, chapter 80, section 1 and 1979, chapter 3, section 1, is repealed and the following substituted therefor: s. 20,
re-enacted

20.—(1) This Act, upon receiving Royal Assent, shall be deemed to have come into force on the 29th day of July, 1975, and is retroactive to the extent necessary to give full force and effect to its provisions on, from and after that date, and is repealed on the 30th day of November, 1979. Commence-
ment and
expiry

- (2) Notwithstanding subsection 1, Idem

- (a) where there has been an increase in rent for residential premises charged to take effect after the 30th day of November, 1978, and on or before the 30th day of November, 1979, the landlord shall not charge and no order shall authorize any further increase in rent for the premises to take effect within twelve months after the said increase took effect and this Act continues in force for the purpose of the implementation and enforcement of this clause; and

- (b) this Act continues in force for the purpose of,

- (i) hearing and making orders in respect of applications filed on or before the 30th day of November, 1979, and appeals from such orders, relating to a rental period commencing on or before that date, and

(ii) enforcing orders made under this Act.

Commence-
ment

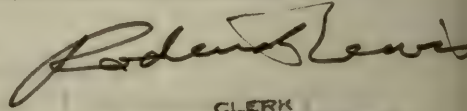
2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Residential Premises Rent Review Amendment Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

JUNE 22 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Residential Premises Rent
Review Act, 1975 (2nd Session)

1st Reading

June 21st, 1979

2nd Reading

June 22nd, 1979

3rd Reading

June 22nd, 1979

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

BILL 144

1979

An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 168 of *The Corporations Act*, being chapter 89 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 25, section 1, is repealed and the following substituted therefor:

s. 168 (3),
re-enacted

(3) A mutual insurance corporation, all the members of which are mutual or cash-mutual corporations, may be incorporated for the purpose of reinsuring contracts of insurance and such a corporation may enter into contracts of reinsurance for the purpose of retroceding all or part of reinsurance contracts entered into by it.

Corporation for
reinsurance

- 2.—(1) Subsection 7 of section 169 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 25, section 2, is repealed and the following substituted therefor:

s. 169 (7),
re-enacted

(7) At such meeting, or at any adjournment of it, the name and style of the company, which shall include the word “mutual”, shall be adopted, an acting secretary appointed, a board of directors elected as hereinafter provided and a central and generally accessible place in the county or district at which the head office of the company is to be located.

Election of
directors

- (2) Subsection 13 of the said section 169, as re-enacted by the Statutes of Ontario, 1971, chapter 25, section 2 and amended by 1973, chapter 104, section 2 and 1978, chapter 29, section 2, is repealed.

s. 169 (13),
repealed

- (3) Subsection 14 of the said section 169, as amended by the Statutes of Ontario, 1971, chapter 25, section 2, is repealed and the following substituted therefor:

s. 169 (14),
re-enacted

Powers
deemed in
letters patent

R.S.O. 1970,
c. 224

Commence-
ment

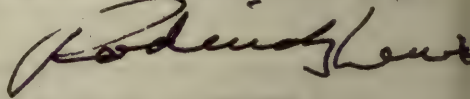
Short title

(14) A mutual insurance corporation incorporated for the purpose of undertaking contracts of fire insurance on the premium note plan or under a contract to which the Fire Mutual Guarantee Fund is applicable in accordance with section 143 of *The Insurance Act*, has the power, and its letters patent shall be deemed to include the power, to undertake all classes of insurance for which a joint stock insurance company may be licensed under *The Insurance Act*.

3. This Act comes into force on the day it receives Royal Assent.
4. The short title of this Act is *The Corporations Amendment Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

NOV. 13 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Corporations Act

1st Reading

October 16th, 1979

2nd Reading

October 23rd, 1979

3rd Reading

October 23rd, 1979

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

Pauline G. G. G. G.
BILL 146

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Municipal Franchises Act**

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 146

1979

An Act to amend The Municipal Franchises Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 10 of *The Municipal Franchises Act*, being chapter 289 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(5) An order of the Board heretofore or hereafter made under subsection 2 renewing or extending the term of the right or an order of the Board under subsection 4 shall be deemed to be a valid by-law of the municipality concerned assented to by the municipal electors for the purposes of this Act and of section 58 of *The Public Utilities Act*.

s. 10 (5).
re-enacted

Order deemed
by-law
assented to
by electors

R.S.O. 1970.
c. 390. s. 58

2. This Act comes into force on the day it receives Royal Assent.
3. The short title of this Act is *The Municipal Franchises Amendment Act, 1979*.

Commence-
ment

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

NOV 30 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Municipal Franchises Act

1st Reading

October 18th, 1979

2nd Reading

November 29th, 1979

3rd Reading

November 29th, 1979

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

S. Pauline Rep. Lynch
BILL 147

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Local Improvement Act**

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 147

1979

An Act to amend The Local Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

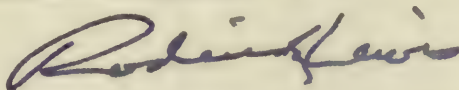
1. Section 43 of *The Local Improvement Act*, being chapter 255 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsections:

(3) A majority of the members of the court of revision shall constitute and, notwithstanding the decision of any court, shall be deemed always to have constituted a quorum.

(4) A quorum of the court of revision is sufficient and, notwithstanding the decision of any court, shall be deemed always to have been sufficient to exercise all of the jurisdiction and powers of the court of revision.

2. This Act comes into force on the day it receives Royal Assent.
3. The short title of this Act is *The Local Improvement Amendment Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov 30 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Local Improvement Act

1st Reading

October 18th, 1979

2nd Reading

November 29th, 1979

3rd Reading

November 29th, 1979

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to revise
The Certification of Titles Act

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 148

1979

An Act to revise The Certification of Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "assurance fund" means The Certification of Titles Assurance Fund;

(b) "Director" means the Director of Titles appointed under *The Land Titles Act*;

R.S.O. 1970,
c. 234

(c) "land registrar" means a land registrar appointed under *The Registry Act*;

R.S.O. 1970
c. 409

(d) "prescribed" means prescribed by the regulations.
R.S.O. 1970, c. 59, s. 1, *amended*.

2. The Minister of Consumer and Commercial Relations is Administration
responsible for the administration of this Act. 1972, c. 1,
s. 32.

3. This Act does not apply to land registered under *The Land Titles Act*. R.S.O. 1970, c. 59, s. 6. Where Act
not to apply
R.S.O. 1970.
c. 234

4.—(1) An owner of or any person claiming an estate in fee simple in land, whether or not the land is encumbered, may apply in the prescribed manner to the Director to have the title to the land certified in the name of the applicant. R.S.O. 1970, c. 59, s. 7 (1), *amended*. Application
for
certification

(2) A person whose claim to land is based on length of adverse possession may apply to the Director to have the title to the land certified in the name of the applicant. Idem

Application
deemed action
for recovery
of land
R.S.O. 1970,
c. 246

(3) An application under subsection 1 shall be deemed to be an action for the recovery of land within the meaning of *The Limitations Act*. *New*.

Service
of notice

5.—(1) A notice of an application under section 4 shall be served on every person or person of a class designated by regulation and the notice is sufficiently served if it is sent by registered mail addressed to that person at the address furnished under section 185 of *The Land Titles Act* or section 37 of *The Registry Act*, or where no such address has been furnished, addressed to the solicitor whose name appears on the registered instrument by which that person appears to have an interest. R.S.O. 1970, c. 59, s. 8 (1, 2), *amended*.

R.S.O. 1970,
cc. 234, 409

Where
consent

(2) Where a person to whom notice is required to be given under subsection 1 consents, in writing, to the application, no notice is required to be sent to that person. *New*.

Adverse
claim

6.—(1) A person having a claim adverse to or inconsistent with an application under section 4 may file a statement of claim, verified by affidavit, with the Director at any time before the certificate of title is registered. R.S.O. 1970, c. 59, s. 11 (1), *amended*.

Hearing

(2) Where a statement of claim is filed, the Director shall afford an opportunity for a hearing to determine the validity of the claim.

Parties

(3) The applicant, every person who has filed a statement of claim and such other persons as the Director may specify, are parties to the proceedings in which a hearing is held under this section. 1971, c. 50, s. 14 (1, 2), *amended*.

Reference
to a judge

(4) The Director, instead of holding a hearing under subsection 2, may refer the matter to a judge of the county or district court of the county or judicial district in which the land is situate, or of such other county or judicial district as the parties agree to, who shall hear and determine the claim on the evidence before him or may direct the trial of an issue. 1971, c. 50, s. 14 (4), *amended*.

Copies to
be sent to
interested
parties

7.—(1) Where the Director makes a decision, a copy of the decision shall be sent by first class mail or delivered by the Director to the applicant and to every person who has filed a statement of claim under section 6. R.S.O. 1970, c. 59, s. 12 (2), *amended*.

Appeal

(2) Any party aggrieved by a decision of the Director may appeal to a judge of the county or district court of the county or

judicial district in which the land to which the decision relates is situate, or of such other county or judicial district as the parties agree to, and the appeal shall be by trial *de novo*. 1971, c. 50, s. 14 (5), *amended*.

(3) An appeal lies from a decision of a judge of a county or district court under subsection 2 to the Supreme Court. *New.* Appeal to
Divisional
Court

(4) Notice of any appeal under this section shall be served on the Director. R.S.O. 1970, c. 59, s. 12 (4), *part*. Notice of
appeal

8.—(1) An applicant under this Act is liable *prima facie* to pay all costs, charges and expenses incurred as a result of his application, except where parties whose rights are sufficiently secured without their appearance object or where any costs, charges or expenses are incurred unnecessarily or improperly. Payment
of costs

(2) The Director may order costs, either as between party and party or as between solicitor and client, to be paid by or to any person who is party to a proceeding under this Act, and may give directions as to the fund out of which the costs shall be paid, regard being had to subsection 1. Scale of
costs

(3) Any person aggrieved by an order of the Director made under this section may appeal to a judge of a county or district court who may annul or, with or without modification, confirm the order. Appeal from
Director's
order

(4) If a person disobeys an order of the Director made under this section, the Director may certify the disobedience to a judge of a county or district court, and thereupon, subject to the right of appeal, the order may be enforced in the like manner and by the like proceedings as if it were an order of the judge. Enforcement
of order

(5) The amount of all costs, charges and expenses properly incurred by a trustee, mortgagee or other person having a power of selling land that are incidental to an application for a certificate of title shall be ascertained and declared by the Director, and shall be deemed to be costs, charges and expenses properly incurred by that person in the execution of the trust or in pursuance of the power, and he may retain or reimburse the same to himself out of any money coming to him under the trust or power, and he is not liable to account in respect thereof. *New.* Cost of
application
by trustee,
etc.

Disposition
of
application

9. When the Director has completed his examination and any matter referred to a judge is finally disposed of, or where a hearing has been held and the Director has made his decision and any appeal therefrom has been disposed of, or where the time for appeal has elapsed and no appeal has been taken, the Director may issue a certificate of title to all or part of the land or dismiss the application, as the case may be. R.S.O. 1970, c. 59, s. 12 (1, 4), *part*.

Registration
of
certificate

10. A certificate of title shall be registered by the Director in the land registry office for the registry division in which the land is situate. R.S.O. 1970, c. 59, s. 15, *amended*.

Effects of
certificate
of title

11. Upon registration under section 10, a certificate of title is conclusive as of the day, hour and minute stated therein that the title of the person named as owner of the land described therein is absolute and indefeasible as regards the Crown and all persons whomsoever, subject only to the exceptions, limitations, qualifications, reservations and conditions, covenants, restrictions, charges, mortgages, liens and other encumbrances mentioned therein, and is conclusive that every application, notice, publication, proceeding and act that ought to have been made, given or done, has been made, given or done in accordance with this Act. R.S.O. 1970, c. 59, s. 16.

Certification
of Titles
Assurance
Fund
continued

12.—(1) The fund, known as The Certification of Titles Assurance Fund, formed to compensate persons who may be wrongfully deprived of land or some estate or interest therein by reason of the title to the land being certified under this Act, is continued.

Payment
into fund

(2) Before a certificate of title is registered, the applicant shall pay, to the credit of the assurance fund, in addition to all other fees, an amount of money equal to one-tenth of 1 per cent of the value of the land described in the certificate.

Buildings

(3) Where there are buildings on the land, the value of the land shall include the value of the buildings.

Maximum
payment

(4) Where the amount calculated under subsection 2 exceeds \$500, the amount payable is \$500.

Minimum
payment

(5) Where the amount calculated under subsection 2 is less than \$25, the amount payable is \$25.

Valuation
of land

(6) The value of the land shall be ascertained as of,

(a) the date of application; or

- (b) a date not more than sixty days before the registration of the certificate,

whichever is later.

(7) If the Director is not satisfied as to the value as established by the affidavit of the applicant, the Director may require a written appraisal of the land by a qualified appraiser whose account shall be added to the costs of the application.

Proof of
value

(8) The Director may require an applicant to indemnify the assurance fund against loss by a bond or covenant in the prescribed form, either with or without sureties or by such other security as he considers proper.

Applicant
may be
required to
indemnify fund

(9) The money payable under this section shall be paid into the Supreme Court and money standing to the credit of the fund shall be invested from time to time under the direction of the finance committee under section 109 of *The Judicature Act*, and such of the interest and income therefrom, as the finance committee from time to time determines, shall be credited to the assurance fund. R.S.O. 1970, c. 59, s. 18, *amended*.

Money
to be paid
into court

R.S.O. 1970.
c. 228

13.—(1) Where, as a result of section 11, a person is wrongfully deprived of any interest in land, he is entitled to recover what is just by way of compensation out of the assurance fund, so far as it is sufficient for that purpose having reference to other charges thereon, if the application is made within six years from the time of having been so deprived, or in the case of a person under the disability of infancy, mental incompetency or unsoundness of mind, within six years from the date at which the disability ceased. R.S.O. 1970, c. 59, s. 19 (1), *amended*.

Claim
against
fund

(2) A person is not entitled to compensation from the assurance fund in respect of an interest in land existing before the effective date of the certificate of title unless that interest is registered under *The Registry Act* against the title to the land or notice of it is given to the Director before the certificate is registered. *New*.

Where no
compensation

R.S.O. 1970,
c. 409

(3) Where a claim is made under subsection 1 in respect of land whose chief value is the ores, mines or minerals therein and it appears that the claimant is entitled to compensation, the entire value of the land, including buildings thereon, shall not be taken at a greater sum than twice the amount that was paid for the original grant from the Crown. R.S.O. 1970, c. 59, s. 19 (2).

Mining
lands

Application
for payment

(4) A person claiming to be entitled to payment of compensation out of the assurance fund shall apply to the Director. R.S.O. 1970, c. 59, s. 19 (3), *amended*.

Hearing

(5) Except where he determines that the claim be paid in full, the Director shall hold a hearing and the claimant and such other persons as the Director may specify are parties to the proceedings before him. 1973, c. 12, s. 12 (1), *amended*.

Determination
of payment

(6) The liability of the assurance fund for compensation and the amount of compensation shall, subject to appeal to a judge of a county or district court, be determined by the Director, and the costs of the proceedings under this section shall be in the discretion of the Director or the judge, as the case may be.

Appeal

(7) The Director shall serve notice of his determination under subsection 6 by first class mail on the claimant.

Time for
appeal

(8) Where the Director determines that compensation should be paid but that the claim not be paid in full, the claimant, if he intends to appeal, shall, within a period of twenty days after the date of mailing of the notice under subsection 7, serve on the Director notice of his intention to appeal, and the Director shall not certify under subsection 9 the amount to the Accountant of the Supreme Court if a notice of appeal is received within that period or until after the expiry of that period if no notice of appeal is received.

Payment
out of
fund

(9) Subject to subsection 8, the Director shall certify to the Accountant of the Supreme Court any amount found to be payable under this section and, upon receipt of the certification of the Director, the Accountant of the Supreme Court shall pay the amount to the person entitled thereto.

Liability
for fraud
and error

(10) Any sum paid out of the assurance fund may, for the benefit of the assurance fund, be recovered by action in the name of the Director from the person on whose application the erroneous certificate of title was registered, or from his estate, and the Director's certification of the payment out of the assurance fund is sufficient proof of the debt. R.S.O. 1970, c. 59, s. 19 (4-8), *amended*.

Where
death or
change of
interest
occurs

14. Proceedings under this Act shall not abate or be suspended by any death or change of interest, but in any such event the Director may require notice to be given to persons becoming interested, or may make an order for discontinuing, suspending or carrying on the proceedings or otherwise as he considers proper. R.S.O. 1970, c. 59, s. 20.

Regulations

15. The Lieutenant Governor in Council may make regulations,

- (a) designating persons or classes of persons to whom notice of an application under section 4 shall be given and specifying the manner in which notice may be given;
- (b) requiring the payment of fees upon the performance of any official function under this Act and prescribing the amounts thereof;
- (c) prescribing forms and providing for their use;
- (d) prescribing the manner of making an application for certification of title and the material to be submitted with the application;
- (e) governing standards and procedures for surveys and plans made for the purposes of this Act;
- (f) prescribing administrative procedures for the purposes of this Act;
- (g) prescribing the procedures to be followed by land registrars with respect to matters under this Act;
- (h) governing the correction of errors in certificates of title. R.S.O. 1970, c. 59, s. 21.

16. The following are repealed:

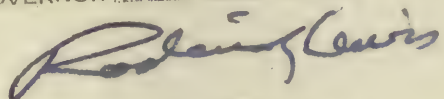
Repeals

- 1. *The Certification of Titles Act*, being chapter 59 of the Revised Statutes of Ontario, 1970.
- 2. *The Certification of Titles Amendment Act, 1973*, being chapter 12.
- 3. Section 14 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.
- 4. Section 32 of *The Government Reorganization Act, 1972*, being chapter 1.

17. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

18. The short title of this Act is *The Certification of Titles Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov 30 1979



CLERK
LEGISLATIVE ASSEMBLY

1. The first part of the paper discusses the importance of the study and the objectives of the research.

2. The second part of the paper describes the methodology used in the study and the data collection process.

3. The third part of the paper presents the results of the study and discusses the findings.

4. The fourth part of the paper discusses the implications of the study and the conclusions drawn.

5. The fifth part of the paper discusses the limitations of the study and the areas for future research.

6. The sixth part of the paper discusses the contributions of the study to the field of research.

7. The seventh part of the paper discusses the practical applications of the study.

8. The eighth part of the paper discusses the policy implications of the study.

9. The ninth part of the paper discusses the ethical considerations of the study.

10. The tenth part of the paper discusses the overall findings and the conclusions of the study.

An Act to revise
The Certification of Titles Act

1st Reading

October 18th, 1979

2nd Reading

November 29th, 1979

3rd Reading

November 29th, 1979

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Land Titles Act

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *b* of section 1 of *The Land Titles Act*, being chapter 234 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

s. 1 (*b*),
re-enacted

 - (b) “land registrar” means a land registrar appointed under section 5;
- (2) Clause *ca* of the said section 1, as enacted by the Statutes of Ontario, 1972, chapter 132, section 1, is repealed.

s. 1 (*ca*),
repealed
- (3) Clause *d* of the said section 1 is repealed.

s. 1 (*d*),
repealed
- (4) Clause *j* of the said section 1 is repealed and the following substituted therefor:

s. 1 (*j*),
re-enacted

 - (j) “regulations” means the regulations made under this Act and section 103 of *The Registry Act*.

R.S.O. 1970,
c. 409
2. Section 3 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 2, is repealed and the following substituted therefor:

s. 3,
re-enacted

 - 3.—(1) This Act applies to such parts of the Province as are designated by regulation.

Application
of Act
 - (2) The Lieutenant Governor in Council may by regulation,

Regulations

 - (a) designate the parts of the Province to which this Act applies;
 - (b) describe the land titles divisions; and

(c) provide for the location of offices for the land titles system.

s. 5,
amended

3. Section 5 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 132, section 4, is amended by adding thereto the following subsections:

Land
registrars
and deputy
land
registrars

(2) There shall be at least one deputy land registrar for every land titles division, and, where there is more than one deputy land registrar for a land titles division, one of the deputies shall be designated as the senior deputy land registrar.

Appointments
under
R.S.O. 1970,
c. 386

(3) The deputy land registrars and such other employees as are considered necessary for the administration of this Act shall be appointed under *The Public Service Act*.

s. 8,
repealed

4. Section 8 of the said Act is repealed.

s. 9,
re-enacted

5. Section 9 of the said Act is repealed and the following substituted therefor:

Recording
in fee and
receiving
book

9. Upon receiving an instrument for registration or deposit, the land registrar shall record it and the fee charged in a fee and receiving book in the form approved by the Director of Land Registration.

s. 11,
re-enacted

- 6.—(1) Section 11 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 6, is repealed and the following substituted therefor:

Director
of Titles

11.—(1) The Lieutenant Governor in Council may appoint a person who is a barrister and solicitor to be the Director of Titles.

Deputy
Directors of
Titles

(2) The Director of Titles may appoint one or more persons, each of whom is a barrister and solicitor to be a Deputy Director of Titles.

Senior
Deputy
Director

(3) Where the Director of Titles has appointed more than one deputy under this section, he shall designate one of the deputies as the Senior Deputy Director of Titles.

Powers
and duties

(4) A Deputy Director of Titles appointed under this section has and may exercise such powers and perform such duties of the Director of Titles under this or any other Act as are required by the Director of Titles.

(5) Where the office of Director of Titles becomes vacant, Idem

(a) the Deputy Director of Titles; or

(b) if there is more than one Deputy Director of Titles,
the Senior Deputy Director of Titles,

may exercise the powers and shall perform the duties of the
Director of Titles until a Director of Titles is appointed.

(2) The person who holds the appointment under subsection 1 of section 11 of *The Land Titles Act* before subsection 1 of this section comes into force continues to hold that appointment upon the coming into force of this section. Appointment continued
R.S.O. 1970,
c. 234

7. Section 12 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 7, is further amended by adding thereto the following subsection: s. 12.
amended

(8) The Director of Titles shall perform such of the functions of a land registrar relating to the first registration of land under this Act as are prescribed. First
registration

8. Subsections 1 and 2 of section 14 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 132, section 8, are repealed. s. 14 (1, 2),
repealed

9. Subsection 4 of section 15 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 132, section 8, is amended by striking out "with the approval of the Director of Land Registration" in the first and second lines. s. 15 (4),
amended

10. The said Act, is amended by adding thereto the following section: s. 16,
enacted

16. The Director of Titles may appoint one or more persons each of whom is an Ontario land surveyor to be a Deputy Director of Titles for purposes of exercising the powers and performing the duties of the Director of Titles under *The Boundaries Act*. Deputy
Directors of
Titles for
R.S.O. 1970
c. 48

11. Sections 17 and 18 of the said Act are repealed and the following substituted therefor: s. 17.
re-enacted
s. 18.
repealed

17. Every land registrar, before he enters upon the duties of his office, shall take and subscribe an oath in the prescribed form, which shall be transmitted by him to the Director of Land Registration. Oath of
office

12. Section 19 of the said Act is amended by adding thereto the following subsection: s. 19,
amended

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Liability
of Crown
R.S.O. 1970,
c. 365

Crown of liability in respect of a tort committed by a person referred to in subsection 1 to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in like manner as if subsection 1 had not been enacted.

s. 21 (2),
re-enacted

- 13.** Subsection 2 of section 21 of the said Act is repealed and the following substituted therefor:

Office
hours

(2) Except on holidays when they shall be closed, every land registry office shall be kept open during such hours as are prescribed and no instrument shall be received for registration except within such hours as are prescribed.

s. 29,
re-enacted

- 14.** Section 29 of the said Act is repealed and the following substituted therefor:

Right to
appeal

29.—(1) Where a hearing has been held under this Act, the decision or order of the Director of Land Registration, Director of Titles or of the land registrar may be appealed to a judge of the county or district court of the county or judicial district in which the land to which the decision or order relates is situate or of such other county or judicial district as the parties agree to, and the appeal shall be by trial *de novo*.

Appeal to
Divisional
Court

(2) An appeal lies from a decision of a judge of a county or district court under subsection 1 to the Supreme Court.

s. 34 (4,5),
repealed

- 15.** Subsections 4 and 5 of section 34 of the said Act are repealed.

s. 35 (1),
re-enacted

- 16.** Subsection 1 of section 35 of the said Act is repealed and the following substituted therefor:

Registration
of Crown
grant
R.S.O. 1970,
c. 380

(1) A land registrar shall register a Crown grant received by him under section 40 of *The Public Lands Act* that meets the requirements for registration set out in this Act and the regulations.

s. 36,
re-enacted

- 17.** Section 36 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 11, is repealed and the following substituted therefor:

Registration
of
federal
patentees

36. Where land patented by the Government of Canada has not been registered under this Act or *The Registry Act* and the patentee applies for registration within five years after the date of the patent, the land registrar has authority to register the patentee as owner of the land without submitting his finding upon the application to the Director of Titles for his concurrence.

s. 38,
repealed

- 18.** Section 38 of the said Act is repealed.

19. Section 51 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 13 and 1978, chapter 7, section 1, is further amended by adding thereto the following subsection:

(3a) An application under section 33 shall be deemed to be an action for the recovery of land within the meaning of *The Limitations Act*.

s. 51,
amended

Application
under s. 33
deemed action
for recovery
of land
R.S.O. 1970,
c. 246

- 20.—(1) Subsections 2, 3 and 4 of section 61 of the said Act are repealed and the following substituted therefor:

s. 61 (2, 3),
re-enacted;
s. 61 (4),
repealed

(2) Where the amount standing to the credit of the Assurance Fund is less than \$1,000,000, the Assurance Fund shall be increased by payment into it from the Consolidated Revenue Fund of an amount fixed by the Lieutenant Governor in Council.

Idem

(3) Money paid under subsection 2 shall be paid into the Supreme Court.

Money paid
into
court

(2) Subsection 5 of the said section 61 is amended by striking out "subsection 4" in the second line and inserting in lieu thereof "subsection 2".

s. 61 (5),
amended

- 21.—(1) Section 64 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 16, is further amended by adding thereto the following subsection:

s. 64,
amended

(1a) A person is not entitled to compensation from The Land Titles Assurance Fund in respect of an interest in land existing at the time the land is brought under this Act unless that interest is registered against the title to the land under *The Registry Act* or notice of it is given to the land registrar before the first registration under this Act of a person as owner of the land.

Where no
compensation

R.S.O. 1970,
c. 409

(2) Subsection 4 and subsection 4a, as enacted by the Statutes of Ontario, 1972, chapter 132, section 16, and subsections 5, 6, 7, 8, 9 and 10 of the said section 64 are repealed and the following substituted therefor:

s. 64 (4-10),
re-enacted

(4) A person claiming to be entitled to payment of compensation out of The Land Titles Assurance Fund shall apply to the Director of Titles.

Application
for com-
pensation
from
Assurance
Fund

(5) Except where he determines the claim be paid in full, the Director of Titles shall hold a hearing, and the claimant and such other persons as the Director of Titles may specify are parties to the proceedings before him.

Hearing

(6) The liability of the Assurance Fund for compensation and the amount of compensation shall be determined by the Director

How com-
pensation
to be
determined

of Titles, and the costs of the proceedings are in the discretion of the Director of Titles.

Claimant
to be
notified

(7) The Director of Titles shall serve notice of his determination under subsection 6 by first class mail on the claimant.

Appeal

(8) Where the Director of Titles determines that compensation should be paid but that the claim not be paid in full, the claimant, if he intends to appeal, shall, within a period of twenty days after the date of mailing of the notice under subsection 7, serve on the Director of Titles notice of his intention to appeal under section 29, and the Director of Titles shall not certify under subsection 9 the amount to the Treasurer of Ontario if a notice of appeal is received within that period or until after the expiry of that period if no notice of appeal is received.

Payment
out of
Assurance
Fund

(9) Subject to subsection 8, the Director of Titles shall certify to the Treasurer of Ontario any amount found to be payable under this section, and, upon receipt of the Director of Titles' certificate, the Treasurer shall pay the amount to the person entitled thereto out of the Consolidated Revenue Fund, and the sums so paid out shall be credited as payments on account of the stock in the hands of the Accountant of the Supreme Court, and the amount of the stock shall be reduced accordingly.

How
Assurance
Fund to be
recouped

(10) Any sum paid out of the Assurance Fund may afterwards, for the benefit of the Assurance Fund, be recovered by action in the name of the Director of Titles from the person on whose application the erroneous registration was made or who acquired the title through the fraud or error or from his estate, and the Director of Titles' certificate of the payment out of the Assurance Fund is sufficient proof of the debt.

Rectification
of register

(11) Where a registered disposition would be absolutely void if unregistered or where the effect of the error would be to deprive a person of land of which he is in possession or in receipt of the rents and profits, the Director of Titles may, in the first instance or after a reference to the court, direct the rectification of the register and, in the case of rectification, the person suffering by the rectification is entitled to the compensation provided for by this section.

Action by
Director of
Land
Registration
R.S.O. 1970,
c. 234

(3) Any action commenced in the name of the Director of Land Registration under subsection 9 of section 64 of *The Land Titles Act* before this section comes into force may be continued in the name of the Director of Titles.

s. 66 (1) (b).
amended

22. Clause *b* of subsection 1 of section 66 of the said Act is amended by striking out "appear" in the fifth line and inserting in lieu thereof "act".

- 23.** Subsection 2 of section 68 of the said Act is repealed and the following substituted therefor: s. 68 (2)
re-enacted

(2) Where the extent of a co-owner's interest is not shown on the register, he may, Rights of
part owner

(a) transfer or charge a specified share in the land or transfer a share in the charge, as the case may be, if the land registrar is satisfied, by an affidavit of all co-owners setting out the percentage or fractional interest that belongs to the transferor or chargor, that the transferor or chargor has a sufficient interest to transfer or charge such share; or

(b) transfer or charge all of his unspecified share.

- 24.**—(1) Subsection 1 of section 71 of the said Act is repealed and the following substituted therefor: s. 71 (1).
re-enacted

(1) Where registered land or an interest therein is acquired by trustees under *The Religious Organizations' Lands Act, 1979*, it shall be registered in the name of the religious organization without setting out the purposes or trusts on which the land or interest is held. Registration of
trustees under
1979, c. 45

- (2) The said section 71, as amended by the Statutes of Ontario, 1972, chapter 132, section 17, is further amended by adding thereto the following subsection: s. 71.
amended

(4) A transfer or cessation of a charge made by the trustee or trustees mentioned in subsection 3 shall not be registered unless there is attached thereto an affidavit made by the trustee or, where there is more than one trustee, by one of them or by the solicitor for the trustee or trustees, deposing that the signing trustee is, or trustees are, authorized to execute the transfer or cessation. Idem

- 25.** The said Act is amended by adding thereto the following section: s. 74a,
enacted

74a. Subject to section 71, no person, other than a corporation, may be shown as the registered owner of land or a charge unless the person is described by his surname and by at least one given name in full. Description
of
registered
owner

- 26.** Subsection 3 of section 79 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 19, is repealed and the following substituted therefor: s. 79 (3).
re-enacted

(3) Subject to the regulations, the Trans-Canada Pipe Line register established under clause c of section 182 shall be deemed, Trans-Canada
Pipe Line
register

for the purposes of this Act, to be a register of the title of land or interests therein, including easements, owned by TransCanada PipeLines Limited.

s. 89a,
enacted

27. The said Act is further amended by adding thereto the following section:

Prohibitions
on taking
affidavits

89a. No person authorized to take affidavits shall take an affidavit,

(a) as to the execution of an instrument to which he is a party; or

(b) as to the execution of an instrument unless the witness has subscribed on the instrument his name in his handwriting as witness.

s. 97,
repealed

28. Section 97 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 22, is repealed.

s. 98 (2),
re-enacted

29.—(1) Subsection 2 of section 98 of the said Act is repealed and the following substituted therefor:

What charge
shall
contain

(2) A charge that secures the payment of money shall contain the amount of the principal sum that the charge secures, the rate of interest and the periods of payment including the due date.

s. 98 (7),
repealed

(2) Subsection 7 of the said section 98 is repealed.

s. 106 (3),
re-enacted

30. Subsection 3 of section 106 of the said Act is repealed and the following substituted therefor:

Partial
cessation
of charge

(3) On the requisition or certificate of the registered owner of a registered charge or of the personal representative of such owner authorizing or certifying the discharge of any part of the land therefrom, the land registrar may note on the register the discharge of such land from the charge, and thereupon the charge ceases as to the land discharged.

s. 115 (4),
amended

31.—(1) Subsection 4 of section 115 of the said Act is amended by striking out "a copy" in the second line and inserting in lieu thereof "an executed copy".

s. 115 (7),
amended

(2) Subsection 7 of the said section 115 is amended by striking out "in the prescribed form" in the eighth line.

ss. 117-121,
repealed

32. Sections 117, 118, 119, 120 and 121 of the said Act are repealed.

s. 121a,
repealed

33. Section 121a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 132, section 25, is repealed.

- 34.** Subsection 9 of section 129 of the said Act is repealed and the following substituted therefor: s. 129 (9),
re-enacted

(9) Where a condition, restriction or covenant has been registered as annexed to or running with the land and no period or date was fixed for its expiry, the condition, restriction or covenant is deemed to have expired forty years after the condition, restriction or covenant was registered, and may be deleted from the register by the land registrar. Condition,
etc.,
expires
after
40 years

- 35.** Subsection 2 of section 140 of the said Act, as re-enacted by the Statutes of Ontario, 1979, chapter 20, section 3, is repealed and the following substituted therefor: s. 140 (2),
re-enacted

(2) Subsections 1 and 1a do not apply where the death of the registered owner occurred prior to the 1st day of January, 1970 or after the 10th day of April, 1979. Saving

- 36.—**(1) Subsection 1 of section 143 of the said Act is amended by striking out "until notice has been served upon the cautioner in accordance with the rules" in the sixth and seventh lines and inserting in lieu thereof "without the consent of the cautioner". s. 143 (1),
amended

(2) The said section 143 is amended by adding thereto the following subsection: s. 143,
amended

(1a) Where the registered owner of freehold or leasehold land or of a charge has executed a transfer or a charge of the land or a transfer of the charge but claims that on account of special circumstances shown by affidavit the transferee or chargee should not be registered without the consent of the registered owner, the land registrar may permit the registration of a caution by the registered owner. Caution
by
registered
owner

(3) Subsections 4 and 5 of the said section 143 are repealed. s. 143 (4, 5),
repealed

(4) Notwithstanding subsection 3, subsections 4 and 5 of section 143 of *The Land Titles Act* continue in force for one year from the day this section comes into force in respect of cautions registered before this section comes into force. Continuing
effect of
s. 143 (4, 5)
R.S.O. 1970,
c. 234

- 37.—**(1) Subsection 2 of section 144 of the said Act is repealed and the following substituted therefor: s. 144 (2),
re-enacted

(2) The registered owner, or any other person having an interest in land or a charge against which a caution has been registered, may apply to the land registrar at any time for a notice to be served upon the cautioner warning him that his caution may cease to have effect unless the cautioner appears before the land Owner may
apply for
removal
of caution

registrar at the time and place mentioned in the notice and satisfies him that the caution should not be deleted from the register.

s. 144 (4),
re-enacted;
s. 144 (5),
repealed

Where
cautioner
fails to
satisfy land
registrar

(2) Subsections 4 and 5 of the said section 144 are repealed and the following substituted therefor:

(4) If the cautioner fails to satisfy the land registrar that the caution should continue, the land registrar may order that the entry of the caution be deleted from the register, and, unless the order is appealed, the land registrar shall delete the entry of the caution from the register and thereupon the caution ceases.

s. 144 (6),
amended

(3) Subsection 6 of the said section 144 is amended by striking out "A notice to" in the first line and inserting in lieu thereof "The consent of" and by striking out "after notice to the cautioner," in the sixteenth line and inserting in lieu thereof "the consent of the cautioner is obtained".

s. 144 (7),
re-enacted

(4) Subsection 7 of the said section 144 is repealed and the following substituted therefor:

Dealing where
caution
against part
of land

(7) Where a caution affects part only of the land dealt with by the transfer, charge or other instrument, the land registrar may, upon the application in writing of the person desiring registration or his solicitor, register the instrument as to the land not affected by the caution, and may subsequently, with the consent of the cautioner, register the dealing as to the remainder of the land dealt with by the instrument or any part thereof.

s. 144 (8),
re-enacted

(5) Subsection 8 of the said section 144 is repealed and the following substituted therefor:

Withdrawal
of caution

(8) A land registrar, upon receiving a withdrawal of caution in the prescribed form, may delete the caution referred to in the withdrawal from the register.

s. 145,
repealed

38. Section 145 of the said Act is repealed.

s. 146,
repealed

39. Section 146 of the said Act is repealed.

s. 160a,
re-enacted

40. Section 160a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 132, section 30 and amended by 1973, chapter 39, section 1, is repealed and the following substituted therefor:

Compulsory
registration
1978, c. 84

160a.—(1) Except as provided by subsection 2, where land described in a description as defined in *The Condominium Act*, 1978 or shown on a plan of subdivision is situate in a land titles

division, the description along with the appropriate declaration or the plan of subdivision, as the case may be, shall be registered under this Act.

(2) A plan of subdivision may be registered under *The Registry Act* where, Exception to subs. 1 R.S.O. 1970. c. 409

- (a) the plan is presented and accepted for registration within six months after the operation of this Act was extended to the area in which the land is situate;
- (b) the registration under this Act of the land included in the plan would, in the opinion of the Director of Titles, result in an unreasonable delay in the registration of the plan; or
- (c) a regulation made under subsection 3 applies to the land shown on the plan.

(3) The Lieutenant Governor in Council may make regulations designating such land titles divisions, or parts thereof, as are specified in the regulations as areas within which subsection 1 does not apply and such designation may be limited to a specified period or may expire on a specified date. Exception by regulation

41.—(1) Subsection 2 of section 161 of the said Act is amended by striking out “and certified by him in the prescribed form” in the fourth and fifth lines. s. 161 (2), amended

(2) Subsection 3 of the said section 161 is amended by striking out “but no seal shall be affixed thereto” in the second line. s. 161 (3), amended

(3) Subsections 4, 5 and 6 of the said section 161 are repealed. s. 161 (4-6), repealed

42. Section 162 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 43, is repealed. s. 162, repealed

43. Subsection 3 of section 164 of the said Act is repealed and the following substituted therefor: s. 164 (3), re-enacted

(3) A subsequent severance from land shown on a plan registered under subsection 1 may be delineated by an Ontario land surveyor upon a duplicate of the plan so registered. Subsequent severance

44. Subsections 1 and 4 of section 167 of the said Act are repealed and the following substituted therefor: s. 167 (1), re-enacted; s. 167 (4), repealed

(1) A transfer or charge of freehold or leasehold land shall not be registered unless a plan of the land prepared by an Ontario land Reference plan required in certain cases

surveyor, to be known as a reference plan, has been deposited for record in the land registry office.

s. 170.
repealed

45. Section 170 of the said Act is repealed.

s. 172 (1),
repealed

46. Subsection 1 of section 172 of the said Act is repealed.

s. 182 (c),
re-enacted

47.—(1) Clause *c* of section 182 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 43, is repealed and the following substituted therefor:

(c) the mode in which any special register is to be made and kept;

(ca) the hours during which the land registry offices shall be kept open and the hours during which instruments shall be received for registration.

s. 182 (d),
re-enacted

(2) Clause *d* of the said section 182, as amended by the Statutes of Ontario, 1972, chapter 132, section 35, is repealed and the following substituted therefor:

(d) the forms to be observed, the precautions to be taken, the instruments to be used, the notices to be given, and the evidence to be adduced in all proceedings or in connection with the registration, and requiring any information in connection with any form, evidence or procedure to be verified by affidavit or declaration;

s. 182 (e),
re-enacted

(3) Clause *e* of the said section 182 is repealed and the following substituted therefor:

(e) the custody, disposition and destruction of instruments and records of land registry offices;

(ea) the functions of land registrars relating to the first registration of land under this Act, and specifying which of the functions shall be performed by the Director of Titles.

s. 182,
amended

(4) The said section 182 is amended by adding thereto the following subsection:

Application
of
regulations

(2) The application of any provision of the regulations made under subsection 1 may be limited to one or more land titles divisions.

s. 184 (1),
re-enacted

48.—(1) Subsection 1 of section 184 of the said Act is repealed and the following substituted therefor:

Custody of
registered
documents, etc.

(1) Every registered instrument and deposited or registered plan is the property of the Crown and, except as otherwise provided in the regulations, shall be retained in the custody of the land registrar in his office.

- (2) Clause *a* of subsection 2 of the said section 184 is amended by striking out "registered" in the second line and inserting in lieu thereof "retained". s. 184 (2) (a),
amended

- (3) Subsection 3 of the said section 184 is repealed. s. 184 (3),
repealed

- 49.—(1) Section 184*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 132, section 36, is amended by striking out "\$1,000" in the twelfth line and inserting in lieu thereof "\$5,000". s. 184*a*,
amended

- (2) The said section 184*a* is further amended by adding thereto the following subsection: s. 184*a*,
amended

- (2) For the purpose of determining the last day to prosecute, the limitation period in respect of an offence under subsection 1 shall start at the time that offence is first discovered by the land registrar. When
limitation
period
starts to
run

- 50.—(1) Subsection 1, as amended by the Statutes of Ontario, 1972, chapter 132, section 37, and subsections 2 and 3 of section 185 of the said Act are repealed and the following substituted therefor: s. 185 (1, 2),
re-enacted;
s. 185 (3),
repealed

- (1) A land registrar shall not register,

(a) a transfer;

(b) a notice of an agreement of purchase and sale of land or an assignment thereof;

(c) a notice of an option for the purchase of land or an assignment thereof;

(d) a charge or a transfer thereof;

(e) a notice of a lease, a sublease, an agreement to lease, an option to lease, an assignment of the lessor's interest in a lease or any assignment thereof;

(f) a claim for a mechanics' lien or an assignment thereof;

(g) a notice of security interest under *The Personal Property Security Act* or an assignment thereof; R.S.O. 1970,
c. 344

(h) a certificate of judgment or a final order of foreclosure of a mortgage;

(i) a vesting order;

Address for
service to be
endorsed on
certain
instruments

1978, c. 84

(j) a notice of lien under section 32 of *The Condominium Act, 1978*;

(k) an application to be registered as owner of land or of a charge; or

(l) a caution,

unless there is endorsed on the instrument the address for service of each person obtaining or claiming an interest in or in respect of land under the instrument.

Idem

(2) An address for service provided under this section may be changed by registering a notice in the prescribed form.

Act,
amended

51. The said Act and the regulations thereunder are amended by striking out "master of titles" and "proper master of titles" wherever they occur and substituting therefor in each instance "land registrar".

Saving
provision

52. No provision in this Act affects the validity or legal consequence, as the case may be, of the registration of any instrument or plan that was registered before the provision came into force.

Amendment to
reference to
master of
titles

53. A reference in any Act or regulation to a master of titles shall be deemed to be a reference to a land registrar.

Commence-
ment

54.—(1) This Act, except sections 2, 3, 4, 8, 11, 13, 40 and 50, comes into force on the 1st day of January, 1980.

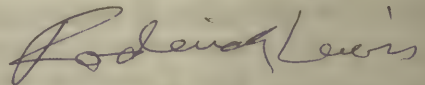
Idem

(2) Sections 2, 3, 4, 8, 11, 13, 40 and 50 come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

55. The short title of this Act is *The Land Titles Amendment Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC. 20 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend The Land Titles Act

1st Reading

October 18th, 1979

2nd Reading

November 29th, 1979

3rd Reading

December 6th, 1979

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Registry Act

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

BILL 150

1979

An Act to amend The Registry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of *The Registry Act*, being chapter 409 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 54, 1972, chapter 133, section 1 and 1978, chapter 8, section 1, is further amended by adding thereto the following clauses:
 - (aa) “certification area” means an area of land designated as such by regulation;
 -
 - (ba) “Director of Titles” means the Director of Titles appointed under section 11 of *The Land Titles Act*; s. 1, amended
R.S.O. 1970,
c. 234
 - (bb) “examiner of surveys” means the examiner of surveys appointed under section 15 of *The Land Titles Act*;
 -
 - (da) “land registrar” means a land registrar appointed under section 8.
- (2) Clause *c* of the said section 1 is amended by inserting after “whereby” in the first line “title to”, by striking out “notice of sale by a mortgagee” in the seventh line and by striking out “bond” in the ninth line. s. 1 (c),
amended
- (3) Clause *la* of the said section 1, as enacted by the Statutes of Ontario, 1972, chapter 133, section 1, is repealed. s. 1 (la),
repealed
2. Subsection 2 of section 5 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 3, is repealed and the following substituted therefor: s. 5 (2),
re-enacted

Idem

(2) Notwithstanding subsection 1, the land registry office for the registry division of Toronto Boroughs and York South may continue to be located in Toronto.

s. 7,
re-enacted

- 3.** Section 7 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 133, section 4, is repealed and the following substituted therefor:

Deputy
Directors

7.—(1) The Director of Land Registration may appoint one or more Deputy Directors of Land Registration.

Senior
Deputy
Director
of Land
Registration

(2) Where the Director of Land Registration has more than one deputy, he shall designate one of the deputies as the Senior Deputy Director of Land Registration.

Powers and
duties

(3) A Deputy Director of Land Registration has and may exercise such powers and perform such duties of the Director of Land Registration under this or any other Act as are required by the Director of Land Registration.

Director of
Titles

(4) In addition to Deputy Directors of Land Registration appointed under subsection 1, the Director of Titles appointed under *The Land Titles Act* is, *ex officio*, a Deputy Director of Land Registration for the purposes of exercising the powers and performing the duties of a Deputy Director of Land Registration under this Act.

Powers and
duties

(5) Where the office of Director of Land Registration becomes vacant,

(a) the Deputy Director of Land Registration; or

(b) if there is more than one Deputy Director of Land Registration, the Senior Deputy Director of Land Registration,

may exercise the powers and shall perform the duties of the Director of Land Registration until a Director of Land Registration is appointed.

s. 8,
amended

- 4.** Section 8 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 133, section 5, is further amended by adding thereto the following subsections:

Land
registrars
and deputy
land
registrars

(2) There shall be at least one deputy land registrar for every registry division, and, where there is more than one deputy land registrar for a registry division, one of the deputies shall be designated as the senior deputy land registrar.

(3) The deputy land registrars and such other employees as are considered necessary for the administration of this Act shall be appointed under *The Public Service Act*. Appointments under R.S.O. 1970. c. 386

5. Subsections 1 and 2 of section 10 of the said Act are repealed. s. 10 (1, 2), repealed

6. Sections 11 and 12 of the said Act are repealed and the following substituted therefor: s. 11 re-enacted
s. 12 repealed

11. Every land registrar, before he enters on the duties of his office, shall take and subscribe an oath in the prescribed form, which shall be transmitted by him to the Director. Oath of office, land registrar

7. Subsection 2 of section 14 of the said Act is repealed and the following substituted therefor: s. 14 (2), re-enacted

(2) Except on holidays when they shall be closed, every land registry office shall be kept open during such hours as are prescribed and no instrument shall be received for registration except within such hours as are prescribed. Office hours

8.—(1) Paragraph 12 of subsection 6 of section 18 of the said Act is repealed and the following substituted therefor: s. 18 (6), par. 12, re-enacted

12. Notarial copies of,

- i. letters patent or certificates of incorporation,
- ii. supplementary letters patent or certificates, or
- iii. certificates of continuance.

(2) The said section 18, as amended by the Statutes of Ontario, 1972, chapter 133, section 9, is further amended by adding thereto the following subsection: s. 18, amended

(6a) Where, under subsection 6, a notarial copy of an instrument is specified, there may be registered, in lieu of such notarial copy, a copy of the instrument certified by the proper officer of the government of Canada or Ontario. Idem

9. Section 19 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 133, section 10, is further amended by adding thereto the following subsection: s. 19, amended

(7) Where a plan is copied under subsection 2, and the copy is certified by the examiner of surveys as a true copy of the plan, or a part thereof, as the case may be, the copy so made and certified has all the force and effect of the plan or of that part of the plan of which it is a copy. Effect of certified copy of plan

s. 20 (2),
re-enacted

- 10.** Subsection 2 of section 20 of the said Act is repealed and the following substituted therefor:

Entries

(2) Subject to subsection 3, the land registrar shall enter every instrument that mentions such parcel or lot of land in the abstract index in the prescribed manner under the proper heading of each separate parcel or lot of land.

Regulations

(3) The Lieutenant Governor in Council may make regulations designating instruments to which subsection 2 does not apply and governing the manner of making entries in the abstract index.

s. 22 (6),
re-enacted

- 11.**—(1) Subsection 6 of section 22 of the said Act is repealed and the following substituted therefor:

Notice of
unregistered
interest

(6) An instrument that refers to an unregistered instrument or to an interest or claim dependent upon or arising out of an unregistered instrument shall not be registered under this Act.

s. 22 (7),
amended

- (2) Subsection 7 of the said section 22 is amended by striking out “or” at the end of clause *e* and by adding thereto the following clauses:

(g) an agreement to lease; or

(h) an option to lease.

s. 25 (1),
amended

- 12.**—(1) Subsection 1 of section 25 of the said Act is amended by striking out “including a guarantor or surety” in the fourth line.

s. 25 (2) (*d*),
amended

- (2) Clause *d* of subsection 2 of the said section 25 is amended by inserting after “by” in the first line “a Minister or”.

s. 25 (2) (*l*),
amended

- (3) Clause *l* of subsection 2 of the said section 25 is amended by striking out “sworn” in the first line and inserting in lieu thereof “certified”.

s. 25 (2),
amended

- (4) Subsection 2 of the said section 25 is amended by adding thereto the following clauses:

(q) a notice of a security interest or certificate of discharge under *The Personal Property Security Act*;

(r) the execution of an instrument by a guarantor or surety.

- (5) Subsection 3 of the said section 25 is repealed and the following substituted therefor: s. 25 (3), re-enacted

(3) The Lieutenant Governor in Council may, by regulation, designate classes of instruments, in addition to those set out in subsection 2, to which subsection 1 does not apply. Regulations

13. Subsection 2 of section 27 of the said Act is repealed and the following substituted therefor: s. 27 (2), re-enacted

(2) An affidavit, affirmation or declaration that complies with section 45 or 46 of *The Evidence Act* is sufficiently sworn, affirmed or made for the purposes of this Act. Affidavits, etc., made outside Ontario R.S.O. 1970, c. 15

- 14.—(1) Clause *a* of section 34 of the said Act is repealed and the following substituted therefor: s. 34 (a), re-enacted

(a) a copy of an instrument certified under the hand and seal of the land registrar in whose office the instrument is registered.

- (2) The said section 34, as amended by the Statutes of Ontario, 1972, chapter 133, section 13, is further amended by striking out "or" at the end of clause *c* and by striking out clause *d*. s. 34, amended

15. Section 37 of the said Act is repealed and the following substituted therefor: s. 37, re-enacted

37.—(1) A land registrar shall not register,

(a) a deed or other conveyance;

(b) an agreement of purchase and sale of land or an assignment thereof;

(c) an option for the purchase of land or an assignment thereof;

(d) a notice mentioned in subsection 8 of section 22;

(e) a mortgage or assignment thereof;

(f) a lease, a sublease, an agreement to lease, an option to lease, an assignment of the lessor's interest in the lease or any assignment thereof;

(g) a notice mentioned in clause *a*, *b*, *c*, *d*, *e*, *g* or *h* of subsection 7 of section 22;

(h) a claim for a mechanics' lien or an assignment thereof;

Address for service to be endorsed on certain instruments

R.S.O. 1970,
c. 344

(i) a notice of security interest under *The Personal Property Security Act* or an assignment thereof;

(j) a certificate of judgment or a final order of foreclosure of a mortgage;

(k) a vesting order; or

1978, c. 84

(l) a notice of lien under section 32 of *The Condominium Act, 1978*,

unless there is endorsed on the instrument the address for service of each person obtaining or claiming an interest in or in respect of land under the instrument.

Change of
address

(2) An address for service provided under this section may be changed by registering a notice in the prescribed form.

s. 42 (1),
re-enacted

16.—(1) Subsection 1 of section 42 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, Schedule, paragraph 28 and 1972, chapter 133, section 16, is repealed and the following substituted therefor:

Affidavit
as to age

(1) Subject to subsection 2, a deed, conveyance, mortgage assignment of mortgage, lease, assignment of lease, release, quit claim or discharge of mortgage shall not be registered unless there is made on or securely attached to it an affidavit by each person or one of the persons, other than a corporation, making it, deposing that each person, other than a corporation, making the instrument was of the full age of eighteen years at the time of execution of the instrument.

s. 42 (2),
re-enacted

(2) Subsection 2 of the said section 42, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, Schedule, paragraph 28 is repealed and the following substituted therefor:

Idem

(2) Where an instrument referred to in subsection 1 is executed on behalf of a person under a power of attorney, the affidavit in respect of age referred to in subsection 1 shall be made by the attorney deposing that the person was of the full age of eighteen years at the time of execution of the power of attorney.

Exemption
from
subs. 2

(2a) Subsection 2 does not apply to an attorney executing an instrument on behalf of,

(a) a corporation;

(b) a married woman solely for the purpose of barring her dower; or

- (c) a spouse who, not as an owner and party, consents to or joins in the instrument for the purposes of section 42 of *The Family Law Reform Act, 1978*.

1978, c. 2

- (3) Subsection 4 of the said section 42, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, Schedule, paragraph 28, is repealed and the following substituted therefor:

s. 42 (4),
re-enacted

- (4) For the purposes of subsections 2a, 5, 6 and 9, "spouse" means "spouse" as defined in clause f of section 1 of *The Family Law Reform Act, 1978*.

Interpreta-
tion

- (4) Subsection 4a of the said section 42, as enacted by the Statutes of Ontario, 1978, chapter 8, section 2, is repealed.

s. 42 (4a),
repealed

- (5) Subsection 9 of the said section 42, as amended by the Statutes of Ontario, 1978, chapter 8, section 2, is further amended by striking out "or" at the end of clause b, by adding "or" at the end of clause c and by adding thereto the following clause:

s. 42 (9),
amended

- (d) a person executing a mortgage as guarantor or surety.

17. Section 43 of the said Act is repealed.

s. 43,
repealed

18. Section 43a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 133, section 17, is repealed and the following substituted therefor:

s. 43a,
re-enacted

43a. Where compliance with section 29 of *The Planning Act* is not apparent on an instrument, the instrument shall not be registered unless,

Proof of
compliance
with
R.S.O. 1970,
c. 349, s. 29

- (a) a consent under section 29 of *The Planning Act* in respect of the instrument is attached thereto, endorsed thereon or registered in the same land registry office and the date of registration and registration number thereof are indicated in the instrument tendered for registration;
- (b) an affidavit stating that such a consent is not required, and giving reasons therefor, made by one of the parties or by his solicitor, is attached thereto; or
- (c) the land registrar is satisfied that section 29 of *The Planning Act* does not apply to the instrument.

19. Section 44 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 133, section 18, is further amended by adding thereto the following subsection:

s. 44,
amended

Idem

(3a) An assignment or discharge of mortgage made by the trustee or trustees mentioned in subsection 3 shall not be registered unless there is attached thereto an affidavit made by the trustee or, where there is more than one trustee, by one of them or by the solicitor for the trustee or trustees, deposing that the signing trustee is, or trustees are, authorized to execute the assignment or discharge.

s. 46 (1) (b),
re-enacted

- 20.** Clause *b* of subsection 1 of section 46 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 19, is repealed and the following substituted therefor:

(b) shall cause it to be recorded in the proper index or indexes and except as provided by the regulations, shall cause it to be recorded on photographic film.

s. 47,
re-enacted;
s. 48, repealed

- 21.** Sections 47 and 48 of the said Act are repealed and the following substituted therefor:

Crown
grants
R.S.O. 1970,
c. 380

47. A land registrar shall register a Crown grant received by him under section 40 of *The Public Lands Act* that meets the requirements for registration set out in this Act and the regulations.

s. 50 (1) (b, c),
re-enacted

- 22.—(1)** Clauses *b* and *c* of subsection 1 of section 50 of the said Act are repealed and the following substituted therefor:

(b) the letters probate, letters of administration with the will annexed or any grant based on a will given by a court outside Ontario having jurisdiction in probate matters or a notarial copy thereof; or

(c) an exemplification or certified copy of the letters probate, letters of administration with the will annexed or grant based on a will given by a court outside Ontario having jurisdiction in probate matters under the seal of the court that granted such letters or grant or a notarial copy of such exemplification or certified copy.

s. 50 (2),
repealed

- (2) Subsection 2 of the said section 50 is repealed.

s. 50 (4),
amended

- (3) Subsection 4 of the said section 50, as amended by the Statutes of Ontario, 1977, chapter 8, section 7, is further amended by striking out "Subject to subsection 2" in the first line.

s. 50 (9),
re-enacted

- (4) Subsection 9 of the said section 50, as re-enacted by the Statutes of Ontario, 1979, chapter 20, section 2, is repealed and the following substituted therefor:

Application
of subss. 4-7

(9) Subsections 4 to 7 do not apply where the deceased person died prior to the 1st day of January, 1970 or after the 10th day of April, 1979.

- 23.** Section 57 of the said Act is amended by striking out "sworn" in the fourth line and inserting in lieu thereof "certified or notarial". s. 57,
amended
- 24.**—(1) Subsection 1 of section 65 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 26, is amended by inserting after "Where" in the first line "it appears from the abstract index that". s. 65 (1),
amended
- (2) Subsection 2 of the said section 65 is amended by inserting after "Where" in the first line "it appears from the abstract index that". s. 65 (2),
amended
- (3) Subsection 2 of the said section 65 is further amended by adding thereto the following clause: s. 65 (2),
amended
- (f) a registered notice of security interest under *The Personal Property Security Act*, R.S.O. 1970,
c. 344
-
- 25.**—(1) Subsection 1 of section 68 of the said Act is amended by striking out "sworn" in the second line and inserting in lieu thereof "certified". s. 68 (1),
amended
- (2) Subsection 2 of the said section 68 is repealed. s. 68 (2),
repealed
- 26.** Subsection 4 of section 73 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 27, is repealed and the following substituted therefor: s. 73 (4),
re-enacted
- (4) The registration of a notice under section 113 or a declaration under subsection 2 of section 23 constitutes registration of the instrument referred to in the notice or declaration for the purposes of subsection 1 of this section. Registration
deemed
notice
- (5) The registration of a notice under subsection 7 or 8 of section 22 constitutes notice only of the particulars contained in the notice. Idem
- (6) After the expiry of a notice registered under subsection 8 of section 22, the notice shall not constitute notice of the agreement, option or assignment or of any particulars referred to in the notice. Where no
notice
- 27.**—(1) Subsection 2 of section 76 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 29, is amended by striking out "in red ink" in the third line. s. 76 (2),
amended
- (2) Subsection 3 of the said section 76 is repealed and the following substituted therefor: s. 76 (3),
re-enacted

Re-entry
of
instruments
not
referring
to prior
registered
plan

(3) Where, after the registration of a plan, instruments affecting land within the plan were registered that did not conform and refer thereto, the land registrar shall, when he considers it necessary or when so directed by the Director, cause the instruments to be recorded in the proper abstract index in accordance with subsection 2.

s. 78 (3),
repealed

28.—(1) Subsection 3 of section 78 of the said Act is repealed.

s. 78 (5),
repealed

(2) Subsection 5 of the said section 78 is repealed.

s. 78 (7),
re-enacted

(3) Subsection 7 of the said section 78 is repealed and the following substituted therefor:

Land registrar
not to file
plans for
anyone but
owner or
without
consent of
mortgagees

(7) The land registrar shall not register a plan of subdivision of land unless every person who appears on the abstract index to be the owner of the land has endorsed the plan as owner and unless every person who appears by the abstract index to be a mortgagee of the land consents in writing, but nothing in this section shall be deemed to require the consent to any such plan of the owner of an easement or right in the nature of an easement in respect of the land.

Where consent
of mortgagee
not required

(7a) Subsection 7 does not require the consent of a mortgagee unless the plan of subdivision dedicates part of the land to which the mortgage applies as a public highway.

s. 78 (9, 10),
repealed

(4) Subsections 9 and 10 of the said section 78 are repealed.

s. 78,
amended

(5) The said section 78, as amended by the Statutes of Ontario, 1972, chapter 133, section 30, is further amended by adding thereto the following subsection:

Where land
in certification
area

(12) Subject to the regulations, a plan of subdivision of land that is within a certification area shall not be registered under this Act unless,

R.S.O. 1970,
c. 59

(a) the title of the owner of the land has been certified under *The Certification of Titles Act*;

(b) the plan is accepted for registration within six months after the designation of the area in which the land is situate as a certification area; or

(c) certification under *The Certification of Titles Act* of the land included in the plan would, in the opinion of the Director of Titles, result in an unreasonable delay in registration of the plan.

- (6) The said section 78 is further amended by adding thereto the following subsection: s. 78.
amended

(13) A description as defined in *The Condominium Act, 1978* in respect of land that is within an area to which *The Land Titles Act* applies but not within an area designated under subsection 3 of section 160a of *The Land Titles Act* shall not be registered under this Act. Where
description
required
to be
registered
under
R.S.O. 1970,
c. 234
1978, c. 84

- 29.** Clause *d* of section 78a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 133, section 31, is amended by striking out "of survey" in the first line. s. 78a (d),
amended

- 30.** Subsection 1 of section 79 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 32, is amended by striking out "of survey" in the fourth line. s. 79 (1),
amended

- 31.** Subsection 4 of section 81 of the said Act is repealed. s. 81 (4),
repealed

- 32.**—(1) Subsection 1 of section 89 of the said Act is amended by striking out "the Director" in the sixth line and inserting in lieu thereof "the examiner of surveys". s. 89 (1),
amended

- (2) Subsection 4 of the said section 89 is repealed. s. 89 (4),
repealed

- 33.**—(1) Section 90 of the said Act is repealed. s. 90,
repealed

- (2) Notwithstanding subsection 1, the said section 90 continues to apply to any plan registered, ordered to be registered or in the course of preparation for registration before this section comes into force. Saving

- 34.**—(1) Section 91 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 133, section 35, is repealed. s. 91,
repealed

- (2) All restraining orders and directions designating areas of land as subdivision plan areas made under section 91 of *The Registry Act* and predecessors thereof before this section comes into force are rescinded. Restraining
orders
rescinded
R.S.O. 1970,
c. 409

- 35.** The said Act is amended by adding thereto the following section: s. 91a,
enacted

91a. A declaration and description, as defined in *The Condominium Act, 1978*, shall not be registered under this Act unless a certificate of title under *The Certification of Titles Act* showing the person by whom the declaration and description are being registered as the owner in fee simple of the land has been registered. Certificate
under
R.S.O. 1970,
c. 59
required to
register
description
under
1978, c. 84

s. 94,
re-enacted

- 36.** Section 94 of the said Act is repealed and the following substituted therefor:

Record of fees,
etc.

94. Upon receiving an instrument for registration or a document or plan for deposit, the land registrar shall record it and the fee charged in a fee and receiving book in the form approved by the Director.

s. 95,
repealed

- 37.** Section 95 of the said Act is repealed.

s. 96,
repealed

- 38.** Section 96 of the said Act is repealed.

s. 97 (2),
repealed

- 39.** Subsection 2 of section 97 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 133, section 36, is repealed.

s. 101,
amended

- 40.—**(1) Section 101 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 37, is amended by striking out “\$1,000” in the thirteenth line and inserting in lieu thereof “\$5,000”.

s. 101,
amended

- (2) The said section 101 is further amended by adding thereto the following subsection:

When
limitation
period
starts
running

(2) For the purpose of determining the last day to prosecute, the limitation period in respect of an offence under subsection 1 shall start at the time that offence is first discovered by the land registrar.

s. 102 (1) (*d, e, f, m*),
re-enacted;
s. 102 (1) (*g, h*),
repealed

- 41.** Clauses *d, e, f, g, h* and *m* of subsection 1 of section 102 of the said Act are repealed and the following substituted therefor:

(*d*) prescribing the hours during which the land registry offices shall be kept open, and the hours during which instruments shall be received for registration;

(*e*) designating certification areas for the purpose of subsection 12 of section 78;

(*f*) governing the custody, disposition and destruction of instruments and records of land registry offices;

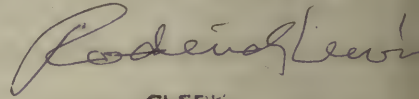
.

(*m*) designating instruments or documents or classes thereof to which clause *b* of subsection 1 of section 46 does not apply.

42. Section 103 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 38, is amended by adding thereto the following subsection: s. 103, amended
- (2) The Lieutenant Governor in Council may make regulations under this Act in respect of surveys, plans and descriptions of land and procedures related thereto for the purposes of *The Boundaries Act*, *The Certification of Titles Act*, *The Condominium Act*, 1978, *The Land Titles Act* and this Act, and may in such regulations specify the powers and duties of the examiner of surveys. Regulations for purposes of R.S.O. 1970, cc. 48, 59, 234 1978, c. 84
43. Subsection 5 of section 107 of the said Act is repealed. s. 107 (5), repealed
44. Section 108 of the said Act is repealed and the following substituted therefor: s. 108, re-enacted
- 108.—(1) Sections 16 and 17 and clause *b* of subsection 1 of section 46 apply to every document deposited under this Part. ss. 16, 17 and s. 46 (1) (b) apply to deposits
- (2) In respect of a reference plan referred to in section 78*a* or 79 or in the regulations, the procedures prescribed by the regulations apply in lieu of the requirements set out in sections 106 and 107. Where ss. 106 and 107 do not apply
45. Clause *a* of section 110 of the said Act is amended by striking out “whether inchoate or otherwise” in the seventh line. s. 110 (a), amended
46. Clause *d* of subsection 2 of section 112 of the said Act is repealed. s. 112 (2) (d), repealed
- 47.—(1) The said Act and the regulations thereunder are amended by striking out “registrar” and “registrar of deeds” wherever either occurs and substituting therefor in each instance “land registrar”. Act. amended
- (2) A reference in any Act or regulation to a registrar or registrar of deeds shall be deemed to be a reference to a land registrar. Idem
48. Subsections 4 and 5 of section 2 of *The Condominium Act*, 1978, being chapter 84, are repealed. 1978, c. 84, s. 2 (4, 5), repealed
49. No provision in this Act affects the validity or legal consequence, as the case may be, of the registration of any instrument that was registered before the provision came into force. Saving provision
- 50.—(1) This Act, except sections 4, 5, 6, 7 and 10, subsection 2 of section 11, sections 15, 18 and 20, subsections 2 and 5 of section 28, sections 34, 35, 38, 39, 43, 44 and 48, comes into force on the 1st day of January, 1980. Commencement

- Idem (2) Sections 4, 5, 6, 7 and 10, subsection 2 of section 11, sections 15, 18, and 20, subsections 2 and 5 of section 28, sections 34, 35, 38, 43, 44 and 48 come into force on a day to be named by proclamation of the Lieutenant Governor.
- Idem (3) Section 39 shall be deemed to have come into force on the 1st day of January, 1979.
- Short title **51.** The short title of this Act is *The Registry Amendment Act, 1979.*

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC. 20 19 79



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Registry Act

1st Reading

October 18th, 1979

2nd Reading

November 29th, 1979

3rd Reading

December 6th, 1979

THE HON. FRANK DREA
Minister of Consumer and Commercial
Relations

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend certain Acts
respecting Regional Municipalities**

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

BILL 152

1979

An Act to amend certain Acts respecting Regional Municipalities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I,

THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

1. Clause *a* of section 1 of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 138, section 1, is repealed and the following substituted therefor:

s. 1 (a),
re-enacted

(a) "area municipality" means the municipality or corporation of the Township of Cumberland, the Township of Gloucester, the Township of Goulbourn, the City of Kanata, the City of Nepean, the Township of Osgoode, the City of Ottawa, the Township of Rideau, the Village of Rockcliffe Park, the City of Vanier or the Township of West Carleton.

- 2.—(1) Clause *f* of subsection 1 of section 4 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 138, section 2, is repealed and the following substituted therefor:

s. 4 (1) (f),
re-enacted

(f) two aldermen of the City of Nepean, to be selected in accordance with the order of the Minister.

- (2) The said section 4, as amended by the Statutes of Ontario, 1973, chapter 138, section 2 and 1978, chapter 33, section 1, is further amended by adding thereto the following subsection:

s. 4,
amended

(1a) The Minister may, by order, establish the method of selecting the aldermen who will represent the City of Nepean on Regional Council on and after the 1st day of December, 1980.

Minister's order,
selection of
aldermen from
City of
Nepean

s. 7c,
enacted

3. The said Act is amended by adding thereto the following section:

Stay of
proceedings
pending
completion of
inquiry

7c. Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under section 7a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued.

s. 18 (1),
re-enacted

4. Subsection 1 of section 18 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 6, is repealed and the following substituted therefor:

Application of
R.S.O. 1970,
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390 and 390a of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 27 (10),
re-enacted

5.—(1) Subsection 10 of section 27 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 2, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment or portion thereof as required by subsection 9, the area municipality may charge the Regional Corporation interest thereon at the rate of 15 per cent per annum from the date such payment or portion thereof becomes due until made, or at such lower rate of interest as the council of the area municipality by by-law determines.

s. 27,
amended

(2) The said section 27 is amended by adding thereto the following subsection:

Agreements
with
condominium
corporations
1978, c. 84

(12) The Regional Corporation may enter into agreements upon such terms and conditions, including terms as to the payment of fees, as are agreed upon, with a condominium corporation incorporated under *The Condominium Act, 1978*, for maintaining and repairing water pipes installed on the condominium property for connecting buildings and other structures on the property with the water works of the Regional Corporation and for maintaining and repairing fire hydrants installed on the property.

s. 31 (6),
re-enacted

6. Subsection 6 of section 31 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 126, section 4, is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment or portion thereof on or before the due date required by clause b of subsection 5, the area municipality may charge the Regional

Corporation interest at the rate of 15 per cent per annum, or such lower rate of interest as the council of the area municipality determines, from such date until payment is made.

7. Section 34 of the said Act is amended by adding thereto the following subsections: s. 34,
amended

(2) The Regional Council has all the authority and powers in respect of any sewers which mediate or immediately enter into sewers or treatment works under the jurisdiction of the Regional Corporation as have councils of local municipalities under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*. Control
of sewage

R.S.O. 1970,
c. 284

(3) In the event of conflict between a by-law passed under subsection 2 by the Regional Council and a by-law passed by the council of an area municipality under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*, the by-law passed by the Regional Council prevails to the extent of such conflict, but in all other aspects the by-law of the area municipality remains in full effect and force. Conflict

8. Subsection 4 of section 55*b* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 126, section 8, is amended by striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres". s. 55*b* (4),
amended

9. Subsection 2 of section 64 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 126, section 11, is repealed and the following substituted therefor: s. 64 (2),
re-enacted

(2) If the Regional Corporation fails to make any payment or portion thereof on or before the due date required by clause *b* of subsection 1, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate of interest as the council of the area municipality determines, from such date until payment is made. Default

- 10.—(1) Subsection 2 of section 67*b* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 126, section 14, is repealed and the following substituted therefor: s. 67*b* (2),
re-enacted

(2) The Commission is a body corporate and shall consist of nine members of the Regional Council appointed by by-law of the Regional Council. Commission
members

- (2) Subsection 3 of the said section 67*b* is repealed and the following substituted therefor: s. 67*b* (3),
re-enacted

(3) Five members of the Commission constitute a quorum. Quorum

s. 67e (6),
re-enacted

- 11.** Subsection 6 of section 67e of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 7, is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment as required by subsection 5, interest shall be payable thereon at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines from the date payment is due until it is made.

s. 80 (3),
re-enacted

- 12.** Subsection 3 of section 80 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 126, section 15, is repealed and the following substituted therefor:

Default

(3) If the Regional Corporation fails to make any payment or portion thereof as required by subsection 2, The Corporation of the City of Ottawa may charge the Regional Corporation interest thereon at the rate of 15 per cent per annum from the date such payment or portion thereof becomes due until made, or at such lower rate of interest as the council of the City may by by-law determine.

s. 90,
amended

- 13.** Section 90 of the said Act is amended by adding thereto the following subsection:

Deemed
municipality
for purposes of
1976, c. 62,
s. 35

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.

s. 92 (16),
re-enacted

- 14.** Subsection 16 of section 92 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 126, section 17, is repealed and the following substituted therefor:

Default

(16) If an area municipality fails to make any payment or portion thereof as provided in the by-law, the area municipality so in default shall pay to the Regional Corporation interest thereon at the rate of 15 per cent per annum from the date such payment becomes due until made, or such lower rate as the Regional Council may by by-law determine, providing that such rate of interest shall be uniform throughout the Regional Area.

s. 124 (1),
re-enacted

- 15.—(1)** Subsection 1 of section 124 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 11, is repealed and the following substituted therefor:

Application

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 242b, 248a, 249 and 254, subsection 3 of section 308, section 333, paragraphs 3, 10, 11, 12, 24, 24a, 41, 67a and 71a of section 352, subparagraph ii of paragraph 112 of subsection 1 of section 354,

sections 391 and 394 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

- (2) The said section 124, as amended by the Statutes of Ontario, 1973, chapter 138, section 19, 1977, chapter 34, section 6 and 1978, chapter 33, section 11, is further amended by adding thereto the following subsection:

s. 124,
amended

(5b) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*.

Deemed
municipality
for purposes of
R.S.O. 1970,
c. 284, s. 455

16. The said Act is amended by adding thereto the following section: s. 138a,
enacted

138a.—(1) The Minister may by order prescribe an English and French language version of any form that is prescribed by this Act.

Forms in
both French
and English
language

(2) The Regional Council may by by-law provide for the use of the version of the form prescribed by the Minister under subsection 1 in place of the corresponding form prescribed by this Act, and, notwithstanding any other provision in this Act, where a by-law under this subsection is in force the version of the form provided for in the by-law shall be used in place of the corresponding form prescribed by this Act.

Use of forms

17. Subsection 7 of section 140a, as re-enacted by the Statutes of Ontario, 1975, chapter 46, section 6, is repealed and the following substituted therefor:

s. 140a (7),
re-enacted

(7) If the Regional Corporation fails to make any payment required by subsection 5 or 6 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

PART II

THE REGIONAL MUNICIPALITY OF NIAGARA

18. Section 3 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 51, section 1 and 1976, chapter 43, section 14, is further amended by adding thereto the following subsection:

s. 3,
amended

(5b) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any

Stay of pro-
ceedings
pending com-
pletion of
inquiry

application or applications and any petition or petitions made under subsection 5a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued.

s. 18 (1),
re-enacted

- 19.** Subsection 1 of section 18 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 19, is repealed and the following substituted therefor:

Application of
R.S.O. 1970,
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 28 (6),
re-enacted

- 20.** Subsection 6 of section 28 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 51, section 3, is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 42 (2),
re-enacted

- 21.** Subsection 2 of section 42 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 51, section 5, is repealed and the following substituted therefor:

Discounts
and penalties

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for water supply to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate of 15 per cent per annum, or such lower rate as the Regional Council determines, while such default continues.

s. 50 (6),
re-enacted

- 22.** Subsection 6 of section 50 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 51, section 6, is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 53,
amended

- 23.** Section 53 of the said Act is amended by adding thereto the following subsections:

(2) The Regional Council has all the authority and powers in respect of any sewers which medietely or immediately enter into sewers or treatment works under the jurisdiction of the Regional Corporation as have councils of local municipalities under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*. Control of sewage
R.S.O. 1970,
c. 284

(3) In the event of conflict between a by-law passed under subsection 2 by the Regional Council and a by-law passed by the council of an area municipality under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*, the by-law passed by the Regional Council prevails to the extent of such conflict but in all other aspects the by-law of the area municipality remains in full effect and force. Conflict

24.—(1) Subsection 1 of section 54 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 54, section 2 and amended by the Statutes of Ontario, 1974, chapter 117, section 9, is repealed and the following substituted therefor: s. 54 (1),
re-enacted

(1) The Regional Council may by by-law from time to time provide for imposing on and collecting from any area municipality, in respect of the whole of such area municipality or any designated part thereof from which sewage or land drainage, including storm drainage, is received a sewer rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures relating to the capital costs of any work or water course assumed, constructed or to be constructed by the Regional Corporation, or for extension or improvement of such work, including debenture charges relating to any capital costs. Imposition of
sewer rate

(2) Subsection 3 of the said section 54, as enacted by the Statutes of Ontario, 1974, chapter 117, section 9, is repealed and the following substituted therefor: s. 54 (3),
re-enacted

(3) Notwithstanding any general or special Act, the Municipal Board shall hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought. Approval of
O.M.B. to
undertaking,
etc.

(3) Subsection 4 of the said section 54, as enacted by the Statutes of Ontario, 1974, chapter 117, section 9, is repealed. s. 54 (4),
repealed

25. Subsection 2 of section 62a of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 54, section 4, is repealed and the following substituted therefor: s. 62a (2),
re-enacted

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges imposed under Discounts
and penalties

the authority of this Part and may by by-law provide for interest in the event of default at a rate of 15 per cent per annum, or such lower rate as the Regional Council determines, while such default continues.

s. 87 (2),
re-enacted

- 26.** Subsection 2 of section 87 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 18, is repealed and the following substituted therefor:

Default

(2) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 1, interest shall be payable thereon at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines from the date payment is due until it is made.

s. 100 (4),
re-enacted

- 27.** Subsection 4 of section 100 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 19, is repealed and the following substituted therefor:

Default

(4) If the Regional Corporation fails to make any payment as required by subsection 3, interest shall be payable thereon at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines from the date payment is due until it is made.

s. 114 (6),
re-enacted

- 28.** Subsection 6 of section 114 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 51, section 8, is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 117,
amended

- 29.** Section 117 of the said Act is amended by adding thereto the following subsection:

Deemed
municipi-
pality for
purposes of
1976, c. 62,
s. 35

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.

s. 119 (16),
re-enacted

- 30.** Subsection 16 of section 119 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 158, section 5, is repealed and the following substituted therefor:

Default

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made.

- 31.**—(1) Subsection 1 of section 154 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 25, is repealed and the following substituted therefor:

s. 154 (1),
re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 248*a*, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 24*a*, 41, 67*a* and 71*a* of section 352, paragraph 61 and subparagraph ii of paragraph 112 of subsection 1 of section 354, section 394 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Application of
R.S.O. 1970,
c. 284

- (2) The said section 154, as amended by the Statutes of Ontario, 1971, chapter 77, section 8, 1977, chapter 34, section 10 and 1978, chapter 33, section 25, is further amended by adding thereto the following subsection:

s. 154,
amended

(7*b*) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*.

Deemed
municipality
for purposes of
R.S.O. 1970,
c. 284, s. 455

PART III

THE REGIONAL MUNICIPALITY OF YORK

- 32.** Section 3 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 78, section 2, 1976, chapter 43, section 27, 1977, chapter 34, section 11 and 1978, chapter 33, section 27, is further amended by adding thereto the following subsection:

s. 3,
amended

(3*d*) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3*a* should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued.

Stay of
proceedings
pending
completion
of inquiry

- 33.** Subsection 1 of section 18 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 35, is repealed and the following substituted therefor:

s. 18 (1),
re-enacted

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e*, 390, 390*a* and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Application of
R.S.O. 1970,
c. 284

- 34.** Subsection 6 of section 28 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 78, section 4, is repealed and the following substituted therefor:

s. 28 (6),
re-enacted

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 42 (2),
re-enacted

- 35.** Subsection 2 of section 42 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 78, section 5, is repealed and the following substituted therefor:

Discounts and
penalties

(5) The Regional Corporation may by by-law provide for uniform rates of discount for prompt payment of charges for water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate of 15 per cent per annum, or such lower rate as the Regional Council determines, while such default continues.

s. 50 (6),
re-enacted

- 36.** Subsection 6 of section 50 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 78, section 6, is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 53,
amended

- 37.** Section 53 of the said Act is amended by adding thereto the following subsections:

Control of
sewage

(2) The Regional Council has all the authority and powers in respect of any sewers which mediate or immediately enter into sewers or treatment works under the jurisdiction of the Regional Corporation as have councils of local municipalities under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*.

R.S.O. 1970,
c. 284

Conflict

(3) In the event of conflict between a by-law passed under subsection 2 by the Regional Council and a by-law passed by the council of an area municipality under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*, the by-law passed by the Regional Council prevails to the extent of such conflict, but in all other aspects the by-law of the area municipality remains in full effect and force.

s. 82 (1),
amended

- 38.** Subsection 1 of section 82 of the said Act is amended by striking out "150 feet" in the second line and inserting in lieu thereof "45 metres".

39. Subsection 3 of section 85 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 78, section 9, is repealed and the following substituted therefor: s. 85 (3),
re-enacted

(3) If the Regional Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

40. Subsection 6 of section 109 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 78, section 11, is repealed and the following substituted therefor: s. 109 (6),
re-enacted

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

41. Section 112 of the said Act is amended by adding thereto the following subsection: s. 112,
amended

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*. Deemed
municipality
for purposes of
1976, c. 62,
s. 35

42. Subsection 16 of section 114 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 16, is repealed and the following substituted therefor: s. 114 (16),
re-enacted

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum or such lower rate as the Regional Council determines, from the date payment is due until it is made. Default

- 43.—(1) Subsection 1 of section 149 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 42, is repealed and the following substituted therefor: s. 149 (1),
re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 246, 248*a*, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 24*a*, 41, 67*a* and 71*a* of section 352, subparagraph ii of paragraph 112 of subsection 1 of section 354 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of
R.S.O. 1970,
c. 284

- (2) The said section 149, as amended by the Statutes of Ontario, 1971, chapter 75, section 7, 1972, chapter 78, section 19, 1977, chapter 34, section 15 and 1978, chapter 33, section 42, is further amended by adding thereto the following subsection: s. 149,
amended

Deemed
municipality
for purposes of
R.S.O. 1970,
c. 284, s. 455

(7b) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*.

PART IV

THE REGIONAL MUNICIPALITY OF WATERLOO

s. 2 (1b),
re-enacted

- 44.** Subsection 1b of section 2 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, as enacted by the Statutes of Ontario, 1977, chapter 34, section 16, is repealed and the following substituted therefor:

Portion of
Kitchener
annexed to
Waterloo

(1b) That portion of the City of Kitchener described as follows is annexed to the City of Waterloo:

Parts 2, 3, 4, 5, 6 and 7 on a Reference Plan deposited in the Registry Office for the Registry Division of Waterloo North (No. 58) as Plan 58R-2615.

Portion of
Waterloo
annexed to
Kitchener

(1c) That portion of the City of Waterloo described as follows is annexed to the City of Kitchener:

Parts 1, 11 and 12 on a Reference Plan deposited in the Registry Office for the Registry Division of Waterloo North (No. 58) as Plan 58R-2615.

Annexations
deemed by
Municipal
Board orders

(1d) Subsection 3 applies with necessary modifications to the annexations provided for in subsections 1a, 1b and 1c.

s. 3,
amended

- 45.** Section 3 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 43, section 38 and 1977, chapter 34, section 17, is further amended by adding thereto the following subsection:

Stay of
proceedings
pending
completion
of inquiry

(3c) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued.

s. 8 (2),
re-enacted

- 46.** Subsection 2 of section 8 of the said Act is repealed and the following substituted therefor:

Where
acclamation or
equality of
votes

(2) If, after any election in an area municipality, by reason of acclamation or an equality of votes, it cannot be determined which councillor or councillors is, or are, entitled to be a member or members of the Regional Council, the matter shall be determined

by resolution of the council of the area municipality passed before the organization meeting of the Regional Council.

47. Subsection 1 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 49, is repealed and the following substituted therefor: s. 19 (1),
re-enacted

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of
R.S.O. 1970,
c. 284

48. Subsection 6 of section 30 of the said Act is repealed and the following substituted therefor: s. 30 (6),
re-enacted

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

49. Subsection 2 of section 44 of the said Act is repealed and the following substituted therefor: s. 44 (2),
re-enacted

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for water supply to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate of 15 per cent per annum, or such lower rate as the Regional Council determines, while such default continues. Discounts and
penalties

50. Subsections 1a and 1b of section 51 of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 117, section 22, are repealed. s. 51 (1a, 1b),
repealed

51. Subsection 6 of section 53 of the said Act is repealed and the following substituted therefor: s. 53 (6),
re-enacted

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

52. Subsection 2 of section 56 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 164, section 2, is repealed and the following substituted therefor: s. 56 (2),
re-enacted

(2) The Regional Council has all the authority and powers in respect of any sewers which mediate or immediately enter into Control of
sewage

sewers or treatment works under the jurisdiction of the Regional Corporation as have councils of local municipalities under paragraph 129 of subsection 1 of section 354 of *The Municipal Act*.

R.S.O. 1970,
c. 284

Conflict

(3) In the event of conflict between a by-law passed under subsection 2 by the Regional Council and a by-law passed by the council of an area municipality under paragraph 129 of subsection 1 of section 354 of *The Municipal Act* the by-law passed by the Regional Council prevails to the extent of such conflict, but in all other respects the by-law of the area municipality remains in full effect and force.

s. 57,
re-enacted

53. Section 57 of the said Act is repealed and the following substituted therefor:

Recovery of
regional
expenditures
re sewage and
land drainage

57.—(1) The Regional Council may by by-law from time to time provide for imposing on and collecting from any area municipality, in respect of the whole of such area municipality or any designated part thereof from which sewage or land drainage, including storm drainage, is received,

- (a) a sewer rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures relating to the capital costs of any work or watercourse assumed, constructed or to be constructed by the Regional Corporation, or for extension or improvement of such work, including debenture charges relating to any capital costs;
- (b) a sewage service rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for maintenance and operation of such work or watercourse; or
- (c) a uniform rate related to volume of sewage or land drainage received or treated sufficient to pay the whole, or such portion as the by-law may specify, of the Regional capital costs, including debenture charges, and expenditures for maintenance and operation of such work or watercourse.

Municipal
Board not to
have regard to
method of
recovering cost

(2) Notwithstanding any general or special Act, the Municipal Board shall hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

How area
municipality
may provide
for payment

(3) The area municipality may,

- (a) pay the amounts chargeable to it under this section out of its general funds;
- (b) subject to the approval of the Municipal Board, pass by-laws under section 362 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work; R.S.O. 1970,
c. 284
- (c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and land drainage chargeable within an urban service area established in the area municipality under any general or special Act; or
- (d) pass by-laws under section 362 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality.

(4) All rates imposed against an area municipality under this section are a debt of the area municipality to the Regional Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Regional Council. Rates imposed
are debt to
Regional
Corporation

54. Section 61 of the said Act is repealed.

s. 61,
repealed

55. Subsection 3 of section 89 of the said Act is repealed and the following substituted therefor:

s. 89 (3),
re-enacted

(3) Where the Regional Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

56. Subsection 2 of section 99 of the said Act is repealed and the following substituted therefor:

s. 99 (2),
re-enacted

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area Responsibility
of Regional
Corporation

municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1973, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 116 (6),
re-enacted

- 57.** Subsection 6 of section 116 of the said Act is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 120,
amended

- 58.** Section 120 of the said Act is amended by adding thereto the following subsection:

Deemed
municipality for
purposes of
1976, c. 62,
s. 35

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.

s. 122 (16),
re-enacted

- 59.** Subsection 16 of section 122 of the said Act is repealed and the following substituted therefor:

Default

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made.

s. 158 (1),
re-enacted

- 60.—**(1) Subsection 1 of section 158 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 55, is repealed and the following substituted therefor:

Application of
R.S.O. 1970,
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242*a*, 242*b*, 246, 248*a*, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 24*a*, 41, 67*a* and 71*a* of section 352, subparagraph ii of paragraph 112 of subsection 1 of section 354 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 158,
amended

(2) The said section 158, as amended by the Statutes of Ontario, 1973, chapter 137, section 9, 1974, chapter 5, section 2, 1977, chapter 34, section 21 and 1978, chapter 33, section 55, is further amended by adding thereto the following subsection:

Deemed
municipality for
purposes of
R.S.O. 1970,
c. 284, s. 455

(7*b*) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*.

- 61.** Subsection 5 of section 175 of the said Act is repealed and the following substituted therefor: s. 175 (5),
re-enacted

(5) If the Regional Corporation fails to make any payment on or before the due date required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

PART V

THE REGIONAL MUNICIPALITY OF SUDBURY

- 62.** Section 3 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, as amended by the Statutes of Ontario, 1972, chapter 167, section 1, 1974, chapter 54, section 1, 1975, chapter 46, section 12, 1976, chapter 43, section 50 and 1977, chapter 34, section 22, is further amended by adding thereto the following subsection: s. 3,
amended

(3c) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued. Stay of
proceedings
pending
completion
of inquiry

- 63.** Subsection 1 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 62, is repealed and the following substituted therefor: s. 19 (1),
re-enacted

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with the necessary modifications to the Regional Corporation. Application of
R.S.O. 1970,
c. 284

- 64.** Subsection 10 of section 29 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 27, is repealed and the following substituted therefor: s. 29 (10),
re-enacted

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 65.** Subsection 10 of section 31 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 28, is repealed and the following substituted therefor: s. 31 (10),
re-enacted

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 33,
amended

- 66.** Section 33 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 167, section 5, 1973, chapter 168, section 14, 1974, chapter 54, section 3 and 1978, chapter 33, section 63, is further amended by adding thereto the following subsection:

R.S.O. 1970,
c. 349,
s. 12 (2), not
to apply

(2a) Notwithstanding subsection 2 of this section, subsection 2 of section 12 of *The Planning Act* does not apply to the Regional Council.

s. 33,
amended

- 67.** Section 33 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 167, section 5, 1973, chapter 168, section 14, 1974, chapter 54, section 3 and 1978, chapter 33, section 63, is further amended by adding thereto the following subsection:

Collection of
costs under
1974, c. 74,
s. 9

(3c) Where the Regional Corporation has incurred a cost under subsection 4 of section 9 of *The Building Code Act, 1974*, the cost may be charged to the area municipality in which the building is situate and the clerk of the area municipality shall add the cost to the collector's roll, collect the cost in like manner as municipal taxes and, when the cost has been collected, pay it to the Regional Corporation.

s. 35 (2),
re-enacted

- 68.** Subsection 2 of section 35 of the said Act is repealed and the following substituted therefor:

Responsi-
bility of
Regional
Corporation

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1973, and, if the Regional Corporation fails to make any payment on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 39 (3),
re-enacted

- 69.** Subsection 3 of section 39 of the said Act is repealed and the following substituted therefor:

Responsi-
bility of
Regional
Corporation

(3) The Regional Corporation shall pay to any municipality, before the due date, all amounts of principal and interest due upon any outstanding debt of such municipality in respect of Pioneer Manor and, if the Regional Corporation fails to make any payment on or before the due date, the area municipality may charge the

Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

- 70.**—(1) Subsection 6 of section 49 of the said Act is repealed and the following substituted therefor: s. 49 (6),
re-enacted

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- (2) Subsection 9 of the said section 49 is repealed and the following substituted therefor: s. 49 (9),
re-enacted

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1972, or thereafter, are vested in the Regional Corporation for the use of the Sudbury Police Board on the 1st day of January, 1973, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Signal system
transferred

- 71.** Subsection 3 of section 72 of the said Act is repealed and the following substituted therefor: s. 72 (3),
re-enacted

(3) Where the Regional Corporation fails to make any payment on or before the due date required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 72.** Subsection 5 of section 77 of the said Act is repealed and the following substituted therefor: s. 77 (5),
re-enacted

(5) If the Regional Corporation fails to make any payment on or before the due date required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 15 per Default

cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 79,
amended

- 73.** Section 79 of the said Act is amended by adding thereto the following subsection:

Deemed
municipality
for purposes of
1976, c. 62,
s. 35

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act*, 1976.

s. 81 (16),
re-enacted

- 74.** Subsection 16 of section 81 of the said Act is repealed and the following substituted therefor:

Default

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made.

s. 115 (1),
re-enacted

- 75.**—(1) Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 66, is repealed and the following substituted therefor:

Application of
R.S.O. 1970,
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 242b, 248a, 249 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 10, 11, 12, 24, 24a, 41, 67a and 71a of section 352, subparagraph iii of paragraph 62a, subparagraph ii of paragraph 112 of subsection 1 of section 354 and paragraph 10 of section 460 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 115,
amended

(2) The said section 115, as amended by the Statutes of Ontario, 1973, chapter 139, section 11, 1974, chapter 117, section 31, 1976, chapter 70, section 30, 1977, chapter 34, section 26 and 1978, chapter 33, section 66, is further amended by adding thereto the following subsection:

Deemed
municipality
for purposes of
R.S.O. 1970,
c. 284, s. 455

(7b) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*.

s. 126a,
enacted

- 76.** The said Act is amended by adding thereto the following section:

Forms in both
English and
French
language

126a.—(1) The Minister may by order prescribe an English and French language version of any form that is prescribed by this Act.

Use of forms

(2) The Regional Council may by by-law provide for the use of the version of the form prescribed by the Minister under subsection 1 in place of the corresponding form prescribed by this Act and, notwithstanding any other provision in this Act, where a by-law under this subsection is in force the version of the form provided for in the by-law shall be used in place of the corresponding form prescribed by this Act.

PART VI

THE REGIONAL MUNICIPALITY OF PEEL

- 77.** Section 3 of *The Regional Municipality of Peel Act, 1973*, being chapter 60, as amended by the Statutes of Ontario, 1976, chapter 43, section 61 and 1977, chapter 34, section 27, is further amended by adding thereto the following subsection:

(3c) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued.

s. 3,
amended

Stay of
proceedings
pending
completion of
inquiry

- 78.** Subsection 1 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 72, is revoked and the following substituted therefor:

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 19 (1),
re-enacted

Application of
R.S.O. 1970,
c. 284

- 79.** Subsection 3 of section 50 of the said Act is repealed and the following substituted therefor:

(3) Where the Regional Corporation fails to make any payment required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 50 (3),
re-enacted

Default

- 80.** Subsection 2 of section 58 of the said Act is repealed and the following substituted therefor:

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and, if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 58 (2),
re-enacted

Responsibility
of Regional
Corporation

s. 74 (6),
re-enacted

81.—(1) Subsection 6 of section 74 of the said Act is repealed and the following substituted therefor:

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 74 (9),
re-enacted

(2) Subsection 9 of the said section 74 is repealed and the following substituted therefor:

Signal systems
transferred

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Peel Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and, if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 76 (10),
re-enacted

82. Subsection 10 of section 76 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 36, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 77 (10),
re-enacted

83. Subsection 10 of section 77 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 36, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

84. Section 79 of the said Act is amended by adding thereto the following subsection: s. 79,
amended

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*. Deemed
municipality
for purposes of
1976, c. 62,
s. 35

85. Subsection 15 of section 81 of the said Act is repealed and the following substituted therefor: s. 81 (15),
re-enacted

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made. Default

- 86.—(1) Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 78, is repealed and the following substituted therefor: s. 115 (1),
re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 24a, 41, 63, 64, 65, 66, 67, 67a and 71a of section 352, subparagraph iii of paragraph 62a and subparagraph ii of paragraph 112 of subsection 1 of section 354, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of
R.S.O. 1970,
c. 284

- (2) The said section 115, as amended by the Statutes of Ontario, 1974, chapter 5, section 3, 1974, chapter 117, section 37, 1977, chapter 34, section 31 and 1978, chapter 33, section 78, is further amended by adding thereto the following subsection: s. 115,
amended

(6b) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*. Deemed
municipality
for purposes of
R.S.O. 1970,
c. 284, s. 455

- (3) Subsection 10 of the said section 115 is repealed and the following substituted therefor: s. 115 (10),
re-enacted

(10) If the Regional Corporation fails to make any payment on or before the due date required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made. Default

s. 131 (5),
re-enacted

- 87.** Subsection 5 of section 131 of the said Act is repealed and the following substituted therefor:

Default

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 142,
amended

- 88.** Section 142 of the said Act is amended by adding thereto the following subsection:

Retroactive
orders

(2) An order made under subsection 1 may be retroactive and the Minister shall be deemed always to have had the power to make such retroactive orders.

PART VII

THE REGIONAL MUNICIPALITY OF HALTON

s. 3,
amended

- 89.** Section 3 of *The Regional Municipality of Halton Act, 1973*, being chapter 70, as amended by the Statutes of Ontario, 1973, chapter 162, section 2, 1976, chapter 43, section 73 and 1977, chapter 34, section 32, is further amended by adding thereto the following subsection:

Stay of
proceedings
pending
completion
of inquiry

(3c) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued.

s. 19 (1),
re-enacted

- 90.** Subsection 1 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 84, is repealed and the following substituted therefor:

Application of
R.S.O. 1970,
c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 50 (3),
re-enacted

- 91.** Subsection 3 of section 50 of the said Act is repealed and the following substituted therefor:

(3) Where the Regional Corporation fails to make any payment Default required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

92. Subsection 2 of section 58 of the said Act is repealed and the s. 58 (2),
re-enacted following substituted therefor:

(2) The Regional Corporation shall pay to any area municipal- Responsi-
bility of
Regional Cor-
poration ity, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and, if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

93.—(1) Subsection 6 of section 74 of the said Act is repealed and the s. 74 (6),
re-enacted following substituted therefor:

(6) If the Regional Corporation fails on or before the due date to Default make any payment required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(2) Subsection 9 of the said section 74 is repealed and the following s. 74 (9),
re-enacted substituted therefor:

(9) All signal and communication systems owned by any local Transfer of
signal systems municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Halton Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and, if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 76 (10),
re-enacted

- 94.** Subsection 10 of section 76 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 41, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 77 (10),
re-enacted

- 95.** Subsection 10 of section 77 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 41, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 79,
amended

- 96.** Section 79 of the said Act is amended by adding thereto the following subsection:

Deemed
municipality
for purposes
of 1976,
c. 62, s. 35

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.

s. 81 (15),
re-enacted

- 97.** Subsection 15 of section 81 of the said Act is repealed and the following substituted therefor:

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made.

s. 115 (1),
re-enacted

- 98.—(1)** Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 91, is repealed and the following substituted therefor:

Application of
R.S.O. 1970,
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 24a, 41, 44, 63, 64, 65, 66, 67, 67a and 71a of section 352, subparagraph iii of paragraph 62a and subparagraph ii of paragraph 112 of subsection 1 of section 354, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

- (2) The said section 115, as amended by the Statutes of Ontario, 1974, chapter 5, section 4, 1974, chapter 117, section 42, 1977, chapter 34, section 36 and 1978, chapter 33, section 91, is further amended by adding thereto the following subsection:
- s. 115,
amended

(6b) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*.

Deemed
municipality
for purposes of
R.S.O. 1970,
c. 284, s. 455

- (3) Subsection 10 of the said section 115 is repealed and the following substituted therefor:
- s. 115 (10),
re-enacted

(10) If the Regional Corporation fails, on or before the due date, to make any payment required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

99. Subsection 5 of section 131 of the said Act is repealed and the following substituted therefor:
- s. 131 (5),
re-enacted

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

PART VIII

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

100. Section 3 of *The Regional Municipality of Hamilton-Wentworth Act*, 1973, being chapter 74, as amended by the Statutes of Ontario, 1976, chapter 43, section 84 and 1977, chapter 34, section 38, is further amended by adding thereto the following subsection:
- s. 3, amended

(3d) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued.

Stay of pro-
ceedings
pending com-
pletion
of inquiry

s. 19 (1),
re-enacted

- 101.** Subsection 1 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 98, is repealed and the following substituted therefor:

Application
of R.S.O.
1970, c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389*a* to 389*e*, 390, 390*a* and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 50 (3),
re-enacted

- 102.** Subsection 3 of section 50 of the said Act is repealed and the following substituted therefor:

Default

(3) Where the Regional Corporation fails to make any payment required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 53*b* (4, 6, 7,
10, 11),
re-enacted

- 103.** Subsections 4, 6, 7, 10 and 11 of section 53*b* of the said Act, as enacted by the Statutes of Ontario, 1976, chapter 84, section 1, are repealed and the following substituted therefor:

Responsibility
of Regional
Corporation

(4) Upon the acquisition of all the shares of the Company by the Regional Corporation, the Regional Corporation shall on or before the due date pay to the Corporation all amounts of principal and interest due on any outstanding debt with respect to such shares and if the Regional Corporation fails to make any payment required by this subsection on or before the due date, the Regional Corporation may be charged interest by the Corporation at the rate of 15 per cent per annum thereof from such date until payment is made.

Area municipality
not to establish
transportation
service

(6) No area municipality shall establish a public transportation service after the day of the passing of the by-law under subsection 2 or exercise any power under any Act respecting public transit matters provided for under this Part without the prior written approval of the Regional Corporation.

Public trans-
portation
service,
approval
of Regional
Council

(7) Subject to subsection 5 of section 53*h*, no person shall operate or cause to be operated in the Urban Transit Service Area after the dissolution of the Commission a public transportation service without having first obtained written approval of the Regional Council and any other approvals required by provincial or federal laws, and for greater clarity, the approval of the Regional Council shall always have been deemed to include the power to license, regulate and govern the operation of a public transportation service in the Urban Transit Service Area.

(10) Public transportation service operated by the Company or the subsidiary company on the 1st day of January, 1977 outside the limits of the Urban Transit Area, as established under this Part, shall by agreement between the Regional Council and the council of an area municipality be continued, discontinued, modified or varied.

Public transportation service outside Urban Transit Area to be continued, etc.

(11) Public transportation service in an area municipality not within the limits of the Urban Transit Area, as established under this Part, shall be provided at the request of the council of any area municipality at such cost as may be agreed upon and in the event that there is any dispute as to the cost, after taking into account projected revenues, of the provision of such service, the matter shall be submitted to the Municipal Board for determination.

Idem

104. Subsection 3 of section 58 of the said Act is repealed and the following substituted therefor:

s. 58 (3), re-enacted

(3) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Responsibility of Regional Corporation

105. Subsection 4 of section 62 of the said Act is repealed and the following substituted therefor:

s. 62 (4), re-enacted

(4) If the Regional Corporation fails to make any payment as required by subsection 3, the City of Hamilton may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the City determines, from such date until payment is made.

Default

106.—(1) Subsection 6 of section 74 of the said Act is repealed and the following substituted therefor:

s. 74 (6), re-enacted

(6) If the Regional Corporation fails on or before the due date to make any payment required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

(2) Subsection 9 of the said section 74 is repealed and the following substituted therefor:

s. 74 (9), re-enacted

Transfer of
signal systems

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Hamilton-Wentworth Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 76 (10),
re-enacted

- 107.** Subsection 10 of section 76 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 46, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 77 (10),
re-enacted

- 108.** Subsection 10 of section 77 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 46, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 79,
amended

- 109.** Section 79 of the said Act is amended by adding thereto the following subsection:

Deemed
municipality
for
purposes of
1976, c. 62,
s. 35

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*.

s. 81 (15),
re-enacted

- 110.** Subsection 15 of section 81 of the said Act is repealed and the following substituted therefor:

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made.

- 111.**—(1) Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 104, is repealed and the following substituted therefor: s. 115 (1),
re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 24a, 41, 44, 63, 64, 65, 66, 67, 67a, and 71a of section 352, subparagraph iii of paragraph 62a and subparagraph ii of paragraph 112 of subsection 1 of section 354, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation. Application of
R.S.O. 1970,
c. 284

- (2) The said section 115, as amended by the Statutes of Ontario, 1974, chapter 5, section 5, 1974, chapter 117, section 47, 1976, chapter 84, section 2, 1977, chapter 34, section 42 and 1978, chapter 33, section 104, is further amended by adding thereto the following subsection: s. 115,
amended

(6b) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*. Deemed
municipality
for purposes of
R.S.O. 1970,
c. 284, s. 455

- 112.** Subsection 5 of section 131 of the said Act is repealed and the following substituted therefor: s. 131 (5),
re-enacted

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

PART IX

THE REGIONAL MUNICIPALITY OF DURHAM

- 113.** Section 3 of *The Regional Municipality of Durham Act, 1973*, being chapter 78, as amended by the Statutes of Ontario, 1976, chapter 43, section 96 and 1977, chapter 34, section 43, is further amended by adding thereto the following subsection: s. 3,
amended

(3c) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any Stay of pro-
ceeding
pending com-
pletion
of inquiry

such application are stayed until he gives notice to the Municipal Board that they may be continued.

s. 19 (1),
re-enacted

- 114.** Subsection 1 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 110, is repealed and the following substituted therefor:

Application
of R.S.O.
1970, c. 284

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 51 (3),
re-enacted

- 115.** Subsection 3 of section 51 of the said Act is repealed and the following substituted therefor:

Default

(3) Where the Regional Corporation fails to make any payment required by subsection 2 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 55 (10),
re-enacted

- 116.** Subsection 10 of section 55 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 51, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 56 (10),
re-enacted

- 117.** Subsection 10 of section 56 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 51, is repealed and the following substituted therefor:

Default

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 68 (6),
re-enacted

- 118.** Subsection 6 of section 68 of the said Act is repealed and the following substituted therefor:

Default

(6) Where the Regional Corporation fails to make any payment required by clause *b* of subsection 5 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

- 119.** Subsection 2 of section 69 of the said Act is repealed and the following substituted therefor: s. 69 (2),
re-enacted

(2) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Durham Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment required on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Transfer of
signal systems

- 120.** Subsection 2 of section 73 of the said Act is repealed and the following substituted therefor: s. 73 (2),
re-enacted

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of January, 1974, and if the Regional Corporation fails to make any payment required on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Responsi-
bility of
Regional
Corporation

- 121.** Subsection 4 of section 78 of the said Act is repealed and the following substituted therefor: s. 78 (4),
re-enacted

(4) If the Regional Corporation fails to make any payment required by subsection 3, on or before the due date, the City of Oshawa may charge the Regional Corporation interest thereon at the rate of 15 per cent per annum, or such lower rate as the council of the said City determines, from such date until payment is made. Default

- 122.** Section 87 of the said Act is amended by adding thereto the following subsection: s. 87,
amended

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*. Deemed
municipality
for purposes of
1976, c. 62,
s. 35

- 123.** Subsection 15 of section 89 of the said Act is repealed and the following substituted therefor: s. 89 (15),
re-enacted

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made.

s. 123 (1),
re-enacted

124.—(1) Subsection 1 of section 123 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 115, is repealed and the following substituted therefor:

Application of
R.S.O. 1970,
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 24a, 41, 63, 64, 65, 66, 67, 67a and 71a of section 352, subparagraph iii of paragraph 62a and subparagraph ii of paragraph 112 of subsection 1 of section 354, paragraph 10 of section 460 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 123,
amended

(2) The said section 123, as amended by the Statutes of Ontario, 1973, chapter 147, section 10, 1974, chapter 5, section 6, 1974, chapter 117, s. 52, 1977, chapter 34, section 47 and 1978, chapter 33, section 115, is further amended by adding thereto the following subsection:

Deemed
municipality
for purposes of
R.S.O. 1970,
c. 284, s. 455

(6b) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*.

s. 123 (10),
re-enacted

(3) Subsection 10 of the said section 123 is repealed and the following substituted therefor:

Default

(10) Where the Regional Corporation fails to make any payment required by subsection 9 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 139 (5),
re-enacted

125. Subsection 5 of section 139 of the said Act is repealed and the following substituted therefor:

Default

(5) If the Regional Corporation fails to make any payment required by subsection 4 on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

PART X

THE REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

- 126.** Section 3 of *The Regional Municipality of Haldimand-Norfolk Act*, 1973, being chapter 96, as amended by the Statutes of Ontario, 1976, chapter 43, section 107 and 1977, chapter 34, section 48, is further amended by adding thereto the following subsection:

s. 3,
amended

(3c) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection 3a should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued.

Stay of
proceedings
pending
completion
of inquiry

- 127.** Subsection 1 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 121, is repealed and the following substituted therefor:

s. 19 (1),
re-enacted

(1) Sections 192, 193, 195, 197, 198, 259, 281 to 286, 388, 389, 389a to 389e, 390, 390a and 391 of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

Application of
R.S.O. 1970,
c. 284

- 128.** Subsection 3 of section 50 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

s. 50 (3),
re-enacted

(3) If the Regional Corporation fails to make any payment required by subsection 2, on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Default

- 129.—**(1) Subsection 1 of section 54 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

s. 54 (1),
re-enacted

(1) On and after the 1st day of April, 1974, the Regional Area shall be a municipality and a planning area under *The Planning Act* to be known as the Haldimand-Norfolk Planning Area and the Regional Council shall be the planning board thereof, and *The Planning Act*, except subsection 2 of section 12, applies with necessary modifications to the Regional Corporation.

Planning area
R.S.O. 1970,
c. 349

(2) The said section 54, as amended by the Statutes of Ontario, 1978, chapter 33, section 122, is further amended by adding thereto the following subsection:

s. 54,
amended

Collection of
costs under
1974, c. 74,
s. 9

(5a) When the Regional Corporation has incurred a cost under subsection 4 of section 9 of *The Building Code Act, 1974* the cost may be charged to the area municipality in which the building is situate and the clerk of the area municipality shall add the cost to the collector's roll, collect the cost in like manner as municipal taxes and, when the cost has been collected, pay it to the Regional Corporation.

s. 60 (2),
re-enacted

130. Subsection 2 of section 60 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

Responsi-
bility of
Regional
Corporation

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection 1, prior to the 1st day of April, 1974, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 76 (5),
re-enacted

131.—(1) Subsection 5 of section 76 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

Default

(5) If the Regional Corporation fails to make any payment on or before the due date as required by clause *b* of subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 76 (8),
re-enacted

(2) Subsection 8 of the said section 76 is repealed and the following substituted therefor:

Transfer of
signal systems

(8) All signal and communication systems owned by any municipality and used for the purposes of the police force of the municipality on the 1st day of October, 1973, or thereafter are vested in the Regional Corporation for the use of the Haldimand-Norfolk Police Force on the 1st day of April, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such

lower rate as the council of the area municipality determines, from such date until payment is made.

- 132.** Subsection 10 of section 78 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 56, is repealed and the following substituted therefor: s. 78 (10),
re-enacted

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 133.** Subsection 10 of section 79 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 56, is repealed and the following substituted therefor: s. 79 (10),
re-enacted

(10) If the Regional Corporation fails to make any payment as required by subsection 9, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. Default

- 134.** Section 82 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by adding thereto the following subsection: s. 82,
amended

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of *The Credit Unions and Caisses Populaires Act, 1976*. Deemed
municipality
for purposes of
1976, c. 62,
s. 35

- 135.** Subsection 15 of section 84 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor: s. 84 (15),
re-enacted

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made. Default

- 136.—**(1) Subsection 1 of section 119 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 33, section 126, is repealed and the following substituted therefor: s. 119 (1),
re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233, 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 242b, 245, 248a, 249, 250 and 254, subsection 3 of section 308, sections 333 and 348, paragraphs 3, 9, 10, 11, 12, 24, 24a, 41, 63, 64, 65, 66, 67, 67a, 71a and 74 of section 352, subparagraph iii of paragraph 62a and subparagraph ii of paragraph 112 of subsection 1 of section Application of
R.S.O. 1970,
c. 284

354, paragraph 10 of section 460, section 469a and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply with necessary modifications to the Regional Corporation.

s. 119,
amended

- (2) The said section 119, as amended by the Statutes of Ontario, 1974, chapter 117, section 57, 1977, chapter 34, section 52 and 1978, chapter 33, section 126, is further amended by adding thereto the following subsection:

Deemed
municipality
for purposes of
R.S.O. 1970,
c. 284, s. 455

- (7b) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 455 of *The Municipal Act*.

s. 119 (11),
re-enacted

- (3) Subsection 11 of the said section 119, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

Default

- (11) If the Regional Corporation fails to make any payment on or before the due date, required by subsection 10, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

s. 135 (5),
re-enacted

- 137.** Subsection 5 of section 135 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

Default

- (5) If the Regional Corporation fails on or before the due date to make any payment required by subsection 4, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Commence-
ment

- 138.—**(1) This Act, except subsection 1 of section 2 and sections 8, 38 and 53, comes into force on the day it receives Royal Assent.

Idem

- (2) Subsection 1 of section 2 comes into force on the 1st day of December, 1980.

Idem

- (3) Sections 8 and 38 shall be deemed to have come into force on the 1st day of February, 1979.

Idem

- (4) Section 53 shall be deemed to have come into force on the 31st day of December, 1977.

Short title

- 139.** The short title of this Act is *The Regional Municipalities Amend-*

ment Act, 1979.
ASSENTED TO BY **LIEUTENANT-GOVERNOR** NOV. 13, 1979

Roderick Lewis

An Act to amend certain Acts
respecting Regional Municipalities

1st Reading

October 19th, 1979

2nd Reading

October 23rd, 1979

3rd Reading

October 23rd, 1979

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

S
BILL 154 *1001.11* *1001.11*

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend
The Regional Municipality of Hamilton-Wentworth Act, 1973

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 154

1979

**An Act to amend
The Regional Municipality of
Hamilton-Wentworth Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74, is amended by adding thereto the following section:

115a.—(1) Section 355 of *The Municipal Act* applies with necessary modifications to the Regional Corporation, except that no by-law shall be passed by the Regional Council under this section with respect to retail gasoline service stations.

s. 115a,
enacted

(2) No area municipality shall exercise any powers under section 355 of *The Municipal Act* except with respect to retail gasoline service stations.

By-laws re
hours of
closing of
retail stores,
etc.
R.S.O. 1970,
c. 284

(3) Every by-law passed by the council of an area municipality under section 355 of *The Municipal Act* in effect on the 23rd day of October, 1979 continues to apply until a by-law passed by the Regional Council applies thereto.

Area
municipalities

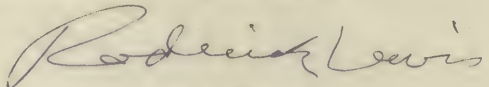
By-law
continues

2. This Act comes into force on the day it receives Royal Assent.
3. The short title of this Act is *The Regional Municipality of Hamilton-Wentworth Amendment Act, 1979*.

Commence-
ment

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC 20 19 79



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Regional Municipality of
Hamilton-Wentworth Act, 1973

1st Reading

October 23rd, 1979

2nd Reading

December 17th, 1979

3rd Reading

December 18th, 1979

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

Pauline Rep. Rep. S. Hon
BILL 156

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Securities Act, 1978

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 156

1979

An Act to amend The Securities Act, 1978

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subparagraph ii of paragraph 24 of subsection 1 of section 1 of *The Securities Act, 1978*, being chapter 47, is repealed and the following substituted therefor:

s. 1 (1).
par. 24.
subpar. ii.
re-enacted

- ii. an omission to state a material fact that is required to be stated or that is necessary to make a statement not misleading in the light of the circumstances in which it was made.

2. Section 2 of the said Act is amended by adding thereto the following subsection:

s. 2.
amended

(4) The Commission may hold hearings in or outside Ontario in conjunction with any other body empowered by statute to administer or regulate trading in securities and may consult with that other body during the course of a hearing.

Hearings in
conjunction
with other
securities
commissions

3. Paragraph 2 of subsection 1 of section 34 of the said Act is repealed and the following substituted therefor:

s. 34 (1).
par. 2.
re-enacted

2. An isolated trade by or on behalf of an issuer in a specific security of its own issue, for the issuer's account, or by or on behalf of an owner in a specific security, for the owner's account, where the trade is not made in the course of continued and successive transactions of a like nature, and is not made by a person or company whose usual business is trading in securities.

- 4.—(1) Subsection 1 of section 57 of the said Act is amended by inserting after "3" in the first line "of this section and subsection 2 of section 62".

s. 57 (1).
amended

s. 57 (2).
amended

(2) Subsection 2 of the said section 57 is amended by inserting after "3" in the first line "of this section and subsection 2 of section 62".

s. 58 (1).
amended

5. Subsection 1 of section 58 of the said Act is amended by adding at the commencement thereof "Subject to subsection 2 of section 62"

s. 60 (1).
amended

6. Subsection 1 of section 60 of the said Act is amended by inserting after "2" in the first line "of this section and subsection 4 of section 62".

s. 62.
re-enacted

7. Section 62 of the said Act is repealed and the following substituted therefor:

Short form
prospectus

62.—(1) A person or company may, if permitted by the regulations, file a short form of preliminary prospectus and a short form of prospectus in the prescribed form under section 52, or a short form of *pro forma* prospectus and a short form of prospectus in the prescribed form under section 61, and any such prospectus that complies with the regulations applicable thereto shall, for the purposes of section 55, be considered to provide sufficient disclosure of all material facts relating to the securities issued or proposed to be distributed under the prospectus.

Alternative
certificates

(2) A short form prospectus may contain one or more forms of certificate to be signed as alternatives to the forms of certificate set out in subsections 1 and 2 of section 57 and subsection 1 of section 58 and, where any such certificate in a short form prospectus is used in accordance with the regulations, it is not necessary to use the alternative certificate required by subsections 1 and 2 of section 57 and subsection 1 of section 58, as the case may be.

Summary
statement

(3) A person or company may, if permitted by the regulations, file a summary statement as a separate document in the prescribed form together with a prospectus filed under section 52 or 61.

Refusal of
summary
statement

(4) Where a summary statement is filed with a prospectus, the Director shall not issue a receipt for the prospectus if it appears to him that the summary statement does not comply with the regulations applicable thereto.

Delivery of
summary
statement

(5) A summary statement filed with a prospectus for which a receipt has been issued may be sent or delivered by a dealer to a purchaser of securities instead of a prospectus as required in section 70, and, where a dealer so elects, the provisions of sections 70 and 130 with respect to a prospectus apply with necessary modifications to a summary statement.

Delivery of
prospectus
on request

(6) Every summary statement sent or delivered to a purchaser shall contain a statement informing the purchaser that a copy of

the prospectus which was filed with the summary statement will be provided to the purchaser on request, and each person or company who signs or causes to be signed, as the case may be, the certificate contained in the prospectus shall ensure compliance with any such request.

(7) Where, during the distribution or distribution to the public of a security under a prospectus, an order is made to cease trading in the security, or the receipt issued by the Director for the prospectus is revoked or the prospectus lapses or the use of a prospectus is otherwise prohibited by the Act, the regulations or by a decision of the Commission or an order of a court, a summary statement filed with the prospectus shall cease to have force and effect for the purposes of section 70 unless the Director otherwise orders.

Summary statement without force and effect

(8) Nothing in this section shall be construed to provide relief from liability arising under section 126 where a misrepresentation is contained in a prescribed short form prospectus and, for the purposes of section 126, where a misrepresentation is contained in a summary statement filed with a prospectus, the misrepresentation shall be deemed to be contained in the prospectus.

Liability not affected

8. Subsection 3 of section 69 of the said Act is amended by striking out "and upon every dealer who has notified the Commission of his intention to engage in the distribution of the securities" in the third and fourth lines.

s. 69 (3). amended

9.—(1) Clause *b* of subsection 1 of section 71 of the said Act is repealed and the following substituted therefor:

s. 71 (1) (b). re-enacted

(b) the trade is an isolated trade by or on behalf of an issuer in a specific security of its own issue, for the issuer's account, where the trade is not made in the course of continued and successive transactions of a like nature, and is not made by a person or company whose usual business is trading in securities.

(2) Subclause *i* of clause *b* of subsection 7 of the said section 71 is amended by striking out "proposed trade" in the fifth line and inserting in lieu thereof "first trade made to carry out the distribution".

s. 71 (7) (b) (i). amended

10. Subsection 1 of section 73 of the said Act is repealed and the following substituted therefor:

s. 73 (1). re-enacted

(1) The Commission may, upon the application of an interested person or company, rule that any trade, intended trade, security, person or company is not subject to section 24 or 52 where it is

Exemption order

satisfied that to do so would not be prejudicial to the public interest, and may impose such terms and conditions as are considered necessary.

s. 76.
re-enacted

11. Section 76 of the said Act is repealed and the following substituted therefor:

Interim
financial
statements

76.—(1) Every reporting issuer that is not a mutual fund shall file within sixty days of the date to which it is made up an interim financial statement,

- (a) where the reporting issuer has not completed its first financial year, for the periods commencing with the beginning of that year and ending nine, six and three months respectively before the date on which that year ends, but no interim financial statement is required to be filed for any period that is less than three months in length;
- (b) where the reporting issuer has completed its first financial year, to the end of each of the three-month, six-month and nine-month periods of the current financial year that commenced immediately following the last financial year, including a comparative statement to the end of each of the corresponding periods in the last financial year,

made up and certified as required by the regulations and in accordance with generally accepted accounting principles.

Idem

(2) Every mutual fund in Ontario shall file within sixty days of the date to which it is made up an interim financial statement,

- (a) where the reporting issuer has not completed its first financial year, for the period commencing with the beginning of that year and ending six months before the date on which that year ends but, if the first financial year is less than six months in length, no interim financial statement is required to be filed;
- (b) where the reporting issuer has completed its first financial year, for the six-month period of the current financial year that commenced immediately following the last financial year,

made up and certified as required by the regulations and in accordance with generally accepted accounting principles.

s. 88 (2).
amended

12.—(1) Subsection 2 of section 88 of the said Act is amended by striking out "Subject to section 91" in the first line and inserting in lieu thereof "Subject to subsection 1 of section 91".

- (2) Clause *d* of subsection 2 of the said section 88 is repealed and the following substituted therefor: s. 88 (2) (*d*).
re-enacted

- (*d*) it involves the acquisition of not more than 5 per cent of the voting securities of the offeree company but the aggregate number of voting securities acquired by the offeror, his associates or affiliates within any period of twelve consecutive months in reliance on the exemption provided by this clause shall not, when aggregated with acquisitions made under clause *a* during the same twelve-month period, exceed 5 per cent of the outstanding voting securities of the offeree company at the beginning of the period, and this clause does not apply to any purchase of voting securities in which there is a published market if that purchase is effected above the market price at the date of purchase plus reasonable brokerage fees or other commission; or

- (3) Clause *a* of subsection 3 of the said section 88 is repealed and the following substituted therefor: s. 88 (3) (*a*).
re-enacted

- (*a*) the securities are purchased, redeemed or otherwise acquired in accordance with terms and conditions attaching thereto that permit the purchase, redemption or acquisition of the securities by the issuer without the prior agreement of the owners of the securities, or the securities are acquired to meet sinking fund requirements or are acquired from an employee of the issuer or an employee of an affiliate.

- 13.—**(1) Paragraph 10 of subsection 1 of section 89 of the said Act is amended by adding at the end thereof “but those securities shall be counted in the determination of whether a condition as to the minimum number of securities the offeror is bound or willing to take up has been fulfilled”. s. 89 (1).
par. 10.
amended

- (2) Paragraph 12 of subsection 1 of the said section 89 is amended by striking out “to withdraw the offer if” in the second line and inserting in lieu thereof “not to take up and pay for securities deposited if”. s. 89 (1).
par. 12.
amended

- (3) Clause *b* of paragraph 12 of subsection 1 of the said section 89 is amended by striking out “or” in the fifth line and inserting in lieu thereof “and” and by striking out “that” in the seventh line. s. 89 (1).
par. 12 (*b*).
amended

- (4) Paragraph 13 of subsection 1 of the said section 89 is amended by striking out “making” in the fourth line and inserting in lieu thereof “date”. s. 89 (1).
par. 13.
amended

s. 90.
amended

- 14.** Section 90 of the said Act is amended by adding thereto the following subsection:

Idem

(1a) For purposes of subsection 1, a change that is not within the control of the offeror or of an affiliate of the offeror shall not be considered to be significant unless it is a material change affecting the affairs of the issuer of securities being offered in exchange for securities of the offeree company and, while an offer is outstanding, the exercise of a right contained in a take-over bid or an issuer bid to modify the terms of the offer or to waive a condition of the offer shall be considered to be a variation which changes the terms of the take-over bid or the issuer bid.

s. 99.
amended

- 15.** Section 99 of the said Act is amended by adding thereto the following clause:

(f) change the time periods set out in sections 89 and 90 in their application to take-over bids or issuer bids that are subject to corresponding requirements, but with different time periods, imposed under applicable legislation of Canada or of a province or territory of Canada, and such change shall apply to take-over bids or issuer bids that satisfy the criteria set out in the order of the Commission making the change.

s. 131 (1, 2).
re-enacted

- 16.—(1)** Subsections 1 and 2 of section 131 of the said Act are repealed and the following substituted therefor:

Liability of
person or
company in
special
relationship
with a
reporting
issuer
where material
fact or change
undisclosed

(1) Every person or company in a special relationship with a reporting issuer who sells the securities of the reporting issuer with knowledge of a material fact or material change with respect to the reporting issuer that has not been generally disclosed and every person or company in a special relationship with a reporting issuer who, directly or indirectly, other than in the necessary course of business, communicates knowledge of the material fact or material change to another person or company who thereafter sells securities of the reporting issuer is liable to compensate the purchaser of the securities for damages as a result of the trade unless,

- (a) the person or company in the special relationship with the reporting issuer had reasonable grounds to believe that the material fact or material change had been generally disclosed;
- (b) the material fact or material change was known or ought reasonably to have been known to the purchaser; or
- (c) the person or company in the special relationship with the reporting issuer proves that he or it did not make use of knowledge of the material fact or material change in selling the securities or in communicating knowledge of the material fact or material change, as the case may be.

(2) Every person or company in a special relationship with a reporting issuer who purchases the securities of the reporting issuer with knowledge of a material fact or material change with respect to the reporting issuer that has not been generally disclosed and every person or company in a special relationship with the reporting issuer who, directly or indirectly, and, other than in the necessary course of business, communicates knowledge of the material fact or material change to another person or company who thereafter purchases securities of the reporting issuer is liable to compensate the vendor of the securities for damages as a result of the trade unless,

- (a) the person or company in the special relationship with the reporting issuer had reasonable grounds to believe that the material fact or material change had been generally disclosed;
- (b) the material fact or material change was known or ought reasonably to have been known to the vendor; or
- (c) the person or company in the special relationship with the reporting issuer proves that he or it did not make use of knowledge of the material fact or material change in purchasing the securities or in communicating knowledge of the material fact or material change, as the case may be.

(2) Subsections 4 and 5 of the said section 131 are repealed and the following substituted therefor:

s. 131 (4, 5).
re-enacted

(4) Every person or company in a special relationship with a reporting issuer who is an insider or an associate or affiliate of the reporting issuer and who,

Account-
ability
for gain

- (a) sells or purchases the securities of the reporting issuer with knowledge of a material fact or material change with respect to the reporting issuer that has not been generally disclosed; or
- (b) directly or indirectly communicates, other than in the necessary course of business, knowledge of a material fact or material change with respect to the reporting issuer that has not been generally disclosed to another person or company who thereafter sells or purchases securities of the reporting issuer,

is accountable to the reporting issuer for any benefit or advantage received or receivable by him or it as a result of the purchase, sale or communication, as the case may be, unless,

- (c) the person or company in the special relationship with the reporting issuer had reasonable grounds to believe that the material fact or material change had been generally disclosed;
- (d) the material fact or material change was known or ought reasonably to have been known to the purchaser or vendor of the securities, as the case may be;
- (e) the person or company in the special relationship with the reporting issuer proves that he or it did not make use of knowledge of the material fact or material change in selling or purchasing the securities or in communicating knowledge of the material fact or material change, as the case may be.

Liability,
joint and
several

(5) Where more than one person or company in a special relationship with a reporting issuer is liable under subsection 1 or 2 as to the same transaction or series of transactions, their liability is joint and several.

s. 139,
par. 1,
re-enacted

17.—(1) Paragraph 1 of section 139 of the said Act is repealed and the following substituted therefor:

1. prescribing categories for persons and companies and the manner of allocating persons and companies to categories, including permitting the Director to make such allocations, and prescribing the form and content of and governing the use of prospectuses, preliminary prospectuses, *pro forma* prospectuses, summary statements and statements of material facts to be filed by, and financial conditions applicable to, persons and companies in accordance with their categories.

s. 139,
amended

(2) The said section 139 is amended by adding thereto the following paragraphs:

- 8a. governing the furnishing of information by a registrant or class of registrants to a person or company recognized by the Commission and governing the payment of fees with respect thereto;

27a. requiring any issuer or class of issuers to comply with Part XVII or any provision thereof.

Commence-
ment

18. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

19. The short title of this Act is *The Securities Amendment Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov 30 1979

Rodriguez Lewis

An Act to amend
The Securities Act, 1978

1st Reading

October 23rd, 1979

2nd Reading

November 26th, 1979

3rd Reading

November 29th, 1979

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

Pauline inf. inf. to Hor

BILL 159

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Family Law Reform Act, 1978**

MR. BREITHAUP

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 159

1979

An Act to amend The Family Law Reform Act, 1978

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 27 of *The Family Law Reform Act, 1978*,
being chapter 2, is repealed and the following substituted therefor:

s. 27 (1).
re-enacted

(1) The clerk of the Unified Family Court or of a provincial court (family division) may, upon the filing of such material as is prescribed by the rules of court, enforce an order for support or maintenance enforceable in Ontario, upon the request of,

Enforcement
of orders by
family court
clerk

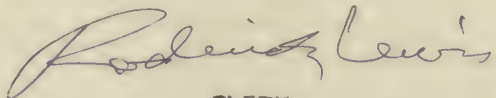
- (a) a person entitled to support under the order;
- (b) a parent of a person entitled to support under the order;
or
- (c) a person or agency mentioned in clause *a* or *b* of subsection 3 of section 18.

2. This Act comes into force on the day it receives Royal Assent.
3. The short title of this Act is *The Family Law Reform Amendment Act, 1979*.

Commence-
ment

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC. 20 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Family Law Reform Act, 1978

1st Reading

November 1st, 1979

2nd Reading

November 22nd, 1979

3rd Reading

December 6th, 1979

MR. BRETHAUPF

Pauline P. G. L. H.
BILL 160

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to provide for
Compulsory Automobile Insurance

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 160

1979

An Act to provide for Compulsory Automobile Insurance

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

COMPULSORY AUTOMOBILE INSURANCE

1. In this Part,

interpre-
tation

- (a) "agent" means an agent or broker within the meaning of *The Insurance Act* who is authorized to solicit automobile insurance; R.S.O. 1970.
c. 224
- (b) "Association" means the Facility Association established under subsection 1 of section 7;
- (c) "automobile insurance" means insurance against liability arising out of bodily injury to or the death of a person or loss of or damage to property caused by a motor vehicle or the use or operation thereof, and which,
 - (i) insures at least to the limit required by section 218 of *The Insurance Act*,
 - (ii) provides the benefits prescribed in Schedule E to *The Insurance Act*, and
 - (iii) provides the benefits prescribed under section 230 of *The Insurance Act*, as re-enacted by section 16 of this Act;
- (d) "driver's licence" has the same meaning as in *The Highway Traffic Act*; R.S.O. 1970.
c. 202

R.S.O. 1970.
c. 202

- (e) "highway" has the same meaning as in *The Highway Traffic Act*;
- (f) "insurance card" means,
 - (i) a Motor Vehicle Liability Insurance Card in the form approved by the Superintendent,
 - (ii) a policy of automobile insurance or a certificate of a policy in the form approved by the Superintendent, or
 - (iii) such evidence of insurance as may be prescribed by the regulations;
- (g) "insurer" means an insurer licensed under *The Insurance Act* and carrying on the business of automobile insurance, but does not include an insurer whose licence is limited to contracts of reinsurance;
- (h) "justice" means a provincial judge or a justice of the peace;
- (i) "motor vehicle" has the same meaning as in *The Highway Traffic Act* and includes trailers and accessories and equipment of a motor vehicle;
- (j) "Plan" means the Plan of Operation referred to in subsection 3 of section 7;
- (k) "police officer" means a chief of police or other police officer or constable or a person appointed under section 156 of *The Highway Traffic Act* for the purpose of carrying out the provisions of that Act;
- (l) "Registrar" means the Registrar of Motor Vehicles;
- (m) "regulations" means the regulations made under this Act;
- (n) "Superintendent" means the Superintendent of Insurance.

Compulsory
automobile
insurance

2.—(1) Subject to the regulations, no owner of a motor vehicle shall,

- (a) operate the motor vehicle; or
- (b) cause or permit the motor vehicle to be operated,

on a highway unless the motor vehicle is insured under a contract of automobile insurance.

(2) For the purposes of subsection 1, where a permit for a motor vehicle has been issued under subsection 3 of section 6 of *The Highway Traffic Act*, "contract of automobile insurance" with respect to that motor vehicle means a contract of automobile insurance made with an insurer. interpretation
R.S.O. 1970.
c.202

(3) Every owner of a motor vehicle who, Offence

- (a) contravenes subsection 1 of this section or subsection 2 of section 13; or
- (b) surrenders an insurance card for inspection to a police officer, when requested to do so, purporting to show that the motor vehicle is insured under a contract of automobile insurance when the motor vehicle is not so insured,

is guilty of an offence and on summary conviction is liable to a fine of not less than \$500 and not more than \$2,500 and, in addition, his driver's licence may be suspended for a period of not more than one year.

(4) Where a justice makes a conviction under subsection 3 and the driver's licence of the person convicted is suspended by the justice, the justice shall take the driver's licence and forward it to the Registrar. Justice to
secure
possession
of driver's
licence

(5) Where a driver's licence is suspended under this section and the person to whom the suspension applies refuses or fails to surrender his licence to the justice forthwith, any police officer may, and upon the direction of the Registrar shall, take possession of the licence and forward it to the Registrar. Police
officer
may secure
possession

(6) Every person who fails or refuses to surrender his driver's licence when required by a police officer pursuant to subsection 5 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. Offence

(7) In the event of a conviction under subsection 3, the justice may order that the motor vehicle, Impounding
motor vehicle

- (a) that was operated in contravention of subsection 1;
- (b) for which a false statement in respect of insurance was made in contravention of subsection 2 of section 13; or
- (c) for which an insurance card was produced in contravention of clause *b* of subsection 3,

shall be seized, impounded and taken into the custody of the law for a period of not more than three months.

Cost of
storage

R.S.O. 1970.
c. 267

(8) All costs and charges for the care and storage of the motor vehicle are a lien upon the motor vehicle that may be enforced in the manner provided by section 48 of *The Mechanics' Lien Act*.

Release of
vehicle on
security given
by owner

R.S.O. 1970.
c. 202

(9) If the person convicted under subsection 3 gives security to the satisfaction of the convicting justice, by bond, recognizance or otherwise, that the motor vehicle will not be operated upon a highway during the period specified by the justice in making an order under subsection 7, the motor vehicle may be released to the owner, and if the motor vehicle is operated upon a highway during such period it shall be deemed to be operated without a permit, as defined in clause *b* of section 5*a* of *The Highway Traffic Act*.

Three year
limitation
period

(10) Notwithstanding any other Act, proceedings may be commenced at any time within three years after the date on which an offence was, or is alleged to have been committed, under subsection 1 or clause *b* of subsection 3 of this section or subsection 2 of section 13.

Operator
to carry
insurance
card

3.—(1) An operator of a motor vehicle on a highway shall have in the motor vehicle at all times,

- (a) an insurance card for the motor vehicle; or
- (b) an insurance card evidencing that the operator is insured under a contract of automobile insurance,

and the operator shall surrender the insurance card for reasonable inspection upon the demand of a police officer.

Offence

(2) A person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$200.

Particulars
to be
disclosed

4.—(1) An operator of a motor vehicle on a highway who is directly or indirectly involved in an accident shall, on the request of any person directly or indirectly involved in the accident, disclose to the person the particulars of the contract of automobile insurance insuring the motor vehicle.

Interpre-
tation

(2) For the purposes of subsection 1, "particulars of the contract of automobile insurance" means,

- (a) the name and address of the insured;
- (b) the make, model and serial number of the insured vehicle;
- (c) the effective date and expiry date of the contract;
- (d) the name of the insurer;
- (e) the name of the insurer's agent, if any; and

(f) the policy number of the contract.

5. An agent shall,

Obligations
of agents

- (a) provide to an owner of a motor vehicle who is a resident of Ontario an application for automobile insurance; and
- (b) submit to an insurer a completed application for automobile insurance,

when requested to do so by the owner of a motor vehicle.

6.—(1) An insurer shall issue, or cause its agent to issue, an insurance card to a person with whom a contract of automobile insurance is made or whose contract of automobile insurance is renewed.

Insurance
card to
be issued

(2) No insurer or its agent shall, on an insurance card, specify an effective date earlier than the date on which the contract of automobile insurance was actually made or misrepresent in any other way the particulars of the automobile insurance.

Misrepresent-
ations

7.—(1) There is hereby established an unincorporated non-profit association of insurers to be known as the Facility Association.

Facility
Association
established

(2) Every insurer is a member of the Association and shall be bound by the articles of association and by-laws of the Association.

Membership

(3) The Association shall, in its articles of association, establish a plan, to be known as the Plan of Operation, for providing a contract of automobile insurance to owners and licensed drivers of motor vehicles who, but for the Plan, would be unable to obtain such insurance.

The Plan

(4) The Association shall ensure, through its members, that a contract of automobile insurance is provided with respect to every application for automobile insurance submitted under the Plan to an insurer under clause *b* of section 5.

Duty of
Association

(5) Where an agent submits an application under the Plan to an insurer, he shall be bound by the applicable articles of association and by-laws of the Association.

Agents bound
by
articles of
association,
etc.

(6) For the purposes of Part XVIII of *The Insurance Act*, the Association shall be deemed to be a person engaged in the business of insurance.

Deemed
person for
purposes of
R.S.O. 1970,
c. 224,
Part XVIII

(7) The Association may, in its name,

Actions by
and against
Association

(a) be prosecuted for an offence under this Act or Part XVIII of *The Insurance Act*; and

(b) sue and be sued.

Board of
directors

8.—(1) The affairs of the Association shall be administered by a board of directors established in accordance with its articles of association.

Information
to be
provided to
Superintendent

(2) The Association shall notify the Superintendent of the names and residence addresses of the persons elected or appointed as officers and directors of the Association forthwith after such election or appointment, and such names and addresses may be made available to the public by the Superintendent.

Service on
Association

(3) Service on the directors or officers of the Association, or any of them, is good and sufficient service on the Association, and such service may be by personal service or by registered mail.

Idem

(4) Where service on the Association is made by registered mail on a director or officer of the Association under subsection 3, the service shall be deemed to have been made on the fifth day after the day of mailing unless the notice is not delivered or the director or officer to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the notice until a later date.

By-laws

9.—(1) The Association may pass by-laws relating to its affairs and not inconsistent with this Act or the regulations,

(a) providing for the execution of documents by the Association;

(b) respecting banking and finance;

(c) fixing the financial year of the Association and providing for the audit of the accounts and transactions of the Association;

(d) providing for the appointment and remuneration of officers and employees of the Association;

(e) respecting the calling, holding and conducting of meetings of the Association and the duties of members of the Association;

(f) delegating to an operating committee such powers and duties of the board of directors as are set out in the by-law, other than the power to make, amend or revoke by-laws;

- (g) prescribing forms and providing for their use;
- (h) respecting management of the property of the Association;
- (i) respecting the application of the funds of the Association and the investment and reinvestment of any of its funds not immediately required and for the safekeeping of its securities;
- (j) imposing assessments on members of the Association for the purpose of meeting the operating costs of the Association and the Plan and providing for the collection of such assessments;
- (k) prescribing rules and procedures related to the operation of the Plan; and
- (l) respecting all of the things that are considered necessary for the operation of the Plan, the attainment of the objects of the Association and the efficient conduct of its affairs.

(2) Any power of the Association that may be exercised by by-law under subsection 1 may be provided for in the articles of association of the Association. Articles of association

10.—(1) The articles of association and by-laws of the Association shall be filed by the Association with the Superintendent on or before the 1st day of December, 1979. First filing of articles of association and by-laws

(2) Prior to the 31st day of December, 1979, the Superintendent may, by order, Powers of Superintendent on first filing

- (a) prescribe the articles of association and by-laws of the Association where the articles of association and by-laws are not filed in accordance with subsection 1; or
- (b) amend the articles of association or by-laws of the Association filed under subsection 1 where he believes on reasonable and probable grounds that such amendment is necessary for the carrying out of the intent and purposes of the Association and this Act,

and any order made under this subsection may be made retroactive to the 1st day of December, 1979.

(3) Every by-law and every amendment, revision or consolidation of the articles of association or by-laws of the Association shall be filed by the Association with the Superintendent at least thirty Filing of amendments to articles of association and by-laws

days prior to the effective date of the by-law or the amendment, revision or consolidation of the articles of association or by-laws.

Approval of
Superintendent

(4) No by-law and no amendment, revision or consolidation of the articles of association or by-laws of the Association shall come into effect unless they are approved by the Superintendent.

Filing of
rates

(5) The Association shall prepare and promulgate rates in respect of contracts provided under the Plan and shall file the rates, together with the statistical evidence and any other information relative to the determination of the rates, with the Superintendent at least sixty days prior to the introduction of the rates.

Duty of
Superintendent
to allow or
disallow
rates

(6) Within sixty days of a filing being made under subsection 5, the Superintendent shall, by order,

(a) approve the rates so filed; or

(b) disallow the rates so filed, where, in the opinion of the Superintendent, the rates are not in accordance with statistical evidence or experience or other justifiable factor.

Variation
of rates

(7) Where, in the opinion of the Superintendent, any rates filed under subsection 5 are not in accordance with statistical evidence or experience or other justifiable factor, he may, by his order under clause *a* of subsection 6, approve the rates subject to such variation as may be prescribed in the order.

Effective
date of
an order

(8) An order made under this section does not take effect until ten days after the date on which it is served on the Association.

Appeal

(9) The Association may appeal an order made under this section to the Supreme Court.

Stay

(10) Notwithstanding that an appeal is taken under this section, the order appealed from takes effect, but the court may, except in the case of an order made under subsection 2, grant a stay until disposition of the appeal.

Certification
of documents

(11) The Superintendent shall certify to the registrar of the court,

(a) the decision of the Superintendent, together with any statement of reasons therefor;

(b) the record of any proceedings before the Superintendent; and

- (c) all written submissions to the Superintendent or other material that is relevant to the appeal.

(12) The Superintendent is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section. Superintendent entitled to be heard

(13) Where an appeal is taken under this section, the court may by its order direct the Superintendent to make such decision or to do such other act as the Superintendent is authorized and empowered to do under this Act or the regulations and as the court considers proper, having regard to the material and submissions before it and to this Act and the regulations, and the Superintendent shall make such decision or do such act accordingly. Powers of court

(14) Notwithstanding an order of the court on an appeal, the Superintendent may make any further decision upon new material or where there is a significant change in the circumstances, and every such decision is subject to this section. Further decisions

(15) *The Regulations Act* does not apply to an order of the Superintendent made under this section. R.S.O. 1970, c. 410 does not apply

11. The members of the board of directors and the officers and employees of the Association shall furnish the Superintendent with such information and financial statements with respect to the Association and the Plan as the Superintendent may from time to time require, and the Superintendent shall make an annual report to the Minister of Consumer and Commercial Relations on the affairs of the Association and the Minister shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Furnishing of information to Superintendent, annual report

12.—(1) Where a contract of automobile insurance has been in effect for more than sixty days, the insurer may only terminate the contract under Statutory Condition 8 of section 205 of *The Insurance Act* for one or more of the following reasons: Termination of contracts of insurance R.S.O. 1970, c. 224

1. Non-payment of, or any part of, the premium due under the contract or of any charge under any agreement ancillary to the contract.
2. The insured has given false particulars of the described automobile to the prejudice of the insurer.
3. The insured has knowingly misrepresented or failed to disclose in an application for insurance any fact required to be stated therein.
4. For a material change in risk within the meaning of Statutory Condition 1 of the said section 205.

(2) Subsection 1 does not apply to,

Exception

- (a) an insurer running off its business, where the insurer has specific approval of the Superintendent to cancel a contract; or
- (b) a contract in respect of a motor vehicle used in the course of carrying on a business, trade or profession.

Certificate
of insurance

R.S.O. 1970,
c. 202

13.—(1) Every person making an application for the issuance, validation or transfer of a permit for a motor vehicle shall certify, in the form prescribed by the regulations, that the motor vehicle is insured under a contract of automobile insurance and the Registrar, notwithstanding subsection 3 of section 6 of *The Highway Traffic Act*, shall not issue, validate or transfer the permit for the motor vehicle, where such certificate of insurance is not provided to the Registrar.

Offence for
false
statement

(2) No person shall knowingly make a false statement in the certificate of insurance required under subsection 1.

General
penalty

14.—(1) Except where otherwise provided, every person and every director or officer of an insurer who commits an act contrary to, or fails or neglects to comply with, any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,500.

Contravention
by insurer

(2) Where an insurer is convicted of an offence under subsection 1, the minimum penalty that may be imposed upon the insurer is \$5,000 and the maximum penalty that may be imposed upon the insurer is \$50,000 and not as provided therein.

Suspension
or
cancellation
of licence
of insurer

R.S.O. 1970,
c. 224

(3) In addition to any penalty imposed under this Act, where an insurer contravenes this Act or the regulations, the Lieutenant Governor in Council may, by order and upon the report of the Superintendent, suspend or cancel the licence of the insurer issued under *The Insurance Act*.

Contravention
by
Association

(4) Where the Association commits an act contrary to, or fails or neglects to comply with, any provision of this Act or the regulations, it is guilty of an offence and on summary conviction is liable to a fine of not less than \$5,000 and not more than \$50,000.

Regulations

15. The Lieutenant Governor in Council may make regulations,

- (a) exempting any person or group of persons from the provisions of this Act, subject to such conditions as may be set out in the regulations;
- (b) prescribing identifying markers for all automobiles licensed in Ontario and providing for their use;

- (c) prescribing documents which may be accepted as evidence of the existence of a contract of automobile insurance in lieu of a Motor Vehicle Liability Insurance Card, policy of automobile insurance or certificate of a policy;
- (d) prescribing the type of statistical evidence and other information to be filed in support of rates under subsection 5 of section 10; and
- (e) prescribing forms and providing for their use.

PART II

AMENDMENTS TO THE INSURANCE ACT AND THE MOTOR VEHICLE ACCIDENT CLAIMS ACT

16.—(1) Subsection 8 of section 201 of *The Insurance Act*, being chapter 224 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970,
c. 224,
s. 201 (8),
repealed

(2) Section 214 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 41, section 5, is repealed. s. 214,
repealed

(3) Section 230 of the said Act is repealed and the following substituted therefor: s. 230,
re-enacted

230.—(1) Every contract evidenced by a motor vehicle liability policy shall provide for payment of all sums that, Uninsured
automobile
coverage

- (a) a person insured under the contract is legally entitled to recover from the owner or driver of an uninsured automobile or unidentified automobile as damages for bodily injuries resulting from an accident involving an automobile;
- (b) any person is legally entitled to recover from the owner or driver of an uninsured automobile or unidentified automobile as damages for bodily injury to or the death of a person insured under the contract resulting from an accident involving an automobile; and
- (c) a person insured under the contract is legally entitled to recover from the identified owner or driver of an uninsured automobile as damages for accidental damage to the insured automobile or its contents, or to both the insured automobile and its contents, resulting from an accident involving an automobile,

subject to the terms, conditions, provisions, exclusions and limits as are prescribed by the regulations.

(2) For the purposes of this section,

(a) "insured automobile" means the automobile as defined or described under the contract;

(b) "person insured under the contract" means,

(i) in respect of a claim for damage to the insured automobile, the owner of the automobile,

(ii) in respect of a claim for damage to the contents of the insured automobile, the owner of the contents,

(iii) in respect of a claim for bodily injuries or death,

a. any person while an occupant of the insured automobile,

b. the insured and, if residing in the same dwelling premises as the insured, his or her spouse and any dependent relative of either,

1. while an occupant of an uninsured automobile, or

2. while not the occupant of an automobile or of railway rolling stock that runs on rails, who is struck by an uninsured or unidentified automobile,

c. if the insured is a corporation, unincorporated association or partnership, any director, officer, employee or partner of the insured for whose regular use the insured automobile is furnished, and, if residing in the same dwelling premises as such person, his or her spouse and any dependent relative of the person or the spouse,

1. while an occupant of an uninsured automobile, or

2. while not the occupant of an automobile or of railway rolling stock that runs on rails, who is struck by an uninsured or unidentified automobile,

where such director, officer, employee or partner or his or her spouse is not the owner of an automobile insured under a contract;

- (c) "unidentified automobile" means an automobile with respect to which the identity of either the owner or driver cannot be ascertained;
- (d) "uninsured automobile" means an automobile with respect to which neither the owner nor driver thereof has applicable and collectible bodily injury liability and property damage liability insurance for its ownership, use or operation, but does not include an automobile owned by or registered in the name of the insured or his or her spouse.

(3) Where a dependent relative referred to in subclause iii of *Idem* clause *b* of subsection 2,

- (a) is the owner of an automobile insured under a contract;
or
- (b) sustains bodily injuries or dies as the result of accident while the occupant of his own uninsured automobile,

such relative shall be deemed not to be a dependent relative for the purposes of this section.

(4) The Lieutenant Governor in Council may make regula- *Regulations*
tions,

- (a) prescribing, amending or altering the terms, conditions, provisions, exclusions and limits with respect to payments under subsection 1;
- (b) deeming any term, condition, provision, exclusion or limit as prescribed, amended or altered by a regulation made under clause *a* to be included in any motor vehicle liability policy made or renewed on or after the effective date of the regulation and in any motor vehicle liability policy that is subsisting on the effective date of the regulation; and
- (c) requiring that terms, conditions, provisions, exclusions and limits, as prescribed, amended or altered by a regulation made under clause *a*, be attached to or included in every motor vehicle liability policy as a Schedule in or to the policy.

(5) Where an amount is paid under subsection 1, the insurer is *Subrogation*
subrogated to the rights of the person to whom such amount is

paid and the insurer may maintain an action in its name or in the name of such person against any other person or persons responsible for the use or operation of the uninsured or unidentified automobile.

Release

(6) Any payments made or available to a person under Schedule E constitute, to the extent of such payments, a release by the person or his personal representative or any person claiming through or under him or by virtue of Part V of *The Family Law Reform Act, 1978*, of any claim that he may have under subsection 1, but in no event shall such release enure to the benefit of the person or persons against whom the insurer has a right of subrogation under subsection 5.

1978, c. 2

Application

(7) This section applies to all contracts evidenced by motor vehicle liability policies made or renewed on or after the 1st day of March, 1980, and all contracts evidenced by motor vehicle liability policies that were subsisting on the 1st day of March, 1980, shall be deemed to provide for the payments referred to in subsection 1 in respect of an accident arising out of the use or operation of an automobile occurring on or after that date.

R.S.O. 1970,
c. 281.
s. 2 (2, 3, 5),
repealed

17.—(1) Subsections 2, 3 and 5 of section 2 of *The Motor Vehicle Accident Claims Act*, being chapter 281 of the Revised Statutes of Ontario, 1970, are repealed.

s. 3,
repealed

(2) Section 3 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 13, section 2, is repealed.

s. 5 (1),
amended

(3) Subsection 1 of section 5 of the said Act is amended by striking out "no amount of less than \$50 is payable in respect of such loss or property damage" in the tenth and eleventh lines and inserting in lieu thereof "only that amount by which the damages exceed \$100 is payable out of the Fund".

s. 6 (1),
amended

(4) Subsection 1 of section 6 of the said Act is amended by striking out "no amount of less than \$50 is payable out of the Fund" in the tenth and eleventh lines and inserting in lieu thereof "only that amount by which the judgment exceeds \$100 is payable out of the Fund".

PART III

COMMENCEMENT

Commence-
ment

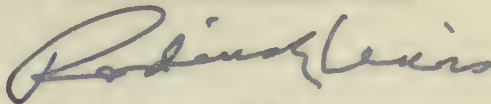
18.—(1) This Act, except sections 2, 3, 4, 5, 6, 12, 13, 16 and 17, comes into force on the day it receives Royal Assent.

(2) Sections 5, 6, 12 and 13, subsection 1 of section 16 and subsection 1 of section 17 come into force on the 1st day of December, 1979. ^{Idem}

(3) Sections 2, 3 and 4, subsections 2 and 3 of section 16 and subsections 2, 3 and 4 of section 17 come into force on the 1st day of March, 1980. ^{Idem}

19. The short title of this Act is *The Compulsory Automobile Insurance Act, 1979*. ^{Short title}

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov 30 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act to provide for
Compulsory Automobile Insurance

1st Reading

November 2nd, 1979

2nd Reading

November 20th, 1979

3rd Reading

November 29th, 1979

THE HON. FRANK DREA
Minister of Consumer
and Commercial Relations

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Public Commercial Vehicles Act**

THE HON. J. W. SNOW
Minister of Transportation and Communications

BILL 161

1979

An Act to amend The Public Commercial Vehicles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 11 of section 6 of *The Public Commercial Vehicles Act*, being chapter 375 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1979, chapter 56, section 6, is amended by adding at the end thereof "other than a Class F, FS or R operating licence as prescribed in the regulations". s. 6 (11).
amended
- (2) Subsection 15 of the said section 6 is amended by striking out "120" in the second line and inserting in lieu thereof "180". s. 6 (15).
amended
- (3) Subsection 19 of the said section 6 is amended by striking out "under section 19 of *The Ontario Highway Transport Board Act*" in the fourth and fifth lines. s. 6 (19).
amended
- 2.—(1) Clause *p* of section 18 of the said Act is repealed and the following substituted therefor: s. 18 (p).
re-enacted
 - (*p*) prescribing the form and contents of, and information to be contained in, bills of lading issued by holders of licences issued under this Act and exempting any class of holder from any or all of the prescribed requirements;
 - (*pa*) prescribing the information to be marked on articles covered by a bill of lading issued by holders of licences issued under this Act and exempting any class of holder from any prescribed provision;
 - (*pb*) prescribing conditions deemed to be a part of every contract for the transportation of goods for compensation to which this Act applies.

s. 18.
amended

- (2) Section 18 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 50, section 71, 1973, chapter 166, section 13, 1975 (2nd Sess.), chapter 7, section 3 and 1979, chapter 56, section 24, is further amended by adding thereto the following clauses:

- (y) prescribing regions in which the transportation of goods may be commenced by public commercial vehicles pursuant to an operating licence;
- (z) respecting any matter or thing that is required or permitted to be regulated or prescribed under this Act.

s. 18.
amended

- (3) The said section 18 is further amended by adding thereto the following subsection:

Regulations
may be
limited
in scope

- (2) Any regulation made under subsection 1 may be limited to any class of licence holder or carrier or to any class of licence holder or carrier while transporting a specified commodity.

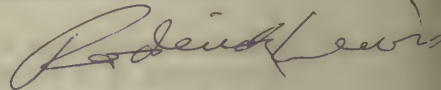
Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is *The Public Commercial Vehicles Amendment Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC. 20 19 79



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Public Commercial Vehicles Act

1st Reading

November 6th, 1979

2nd Reading

December 4th, 1979

3rd Reading

December 6th, 1979

THE HON. J. W. SNOW
Minister of Transportation
and Communications

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend
The Child Welfare Act, 1978

THE HON. K. C. NORTON
Minister of Community and Social Services

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Child Welfare Act, 1978

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *e* of section 1 of *The Child Welfare Act, 1978*, being chapter 85, is amended by inserting after “or” in the third line “a judge presiding”. s. 1 (e),
amended

(2) The said section 1 is amended by adding thereto the following subsection: s. 1.
amended

(2) In determining the best interest of the child for the purpose of this Act, the court or a person, as the case may be, shall have regard to those considerations in subclauses i to viii of clause *b* of subsection 1 that are, in the opinion of the court, or the person, relevant to the circumstances of the case. Determination
of best
interest of
child

2.—(1) Clause *a* of subsection 1 of section 19 of the said Act is amended by striking out “subsection 1 of section 30” in the third and fourth lines and inserting in lieu thereof “this Part”. s. 19 (1) (a),
amended

(2) Clause *e* of subsection 1 of the said section 19 is repealed and the following substituted therefor: s. 19 (1) (e),
re-enacted

(e) “parent” means,

(i) a guardian of a child appointed at law,

(ii) a mother of a child,

(iii) a person,

(A) who has within twelve months immediately prior to a child being detained in a place of safety under clause *a* of subsection 1 of section 21 or clause *a* of subsection 2 of section 22 or being

brought before the court on an order to produce under clause *b* of subsection 1 of section 21 or clause *b* of subsection 2 of section 22, as the case may be,

1. acknowledged that he is the father of the child and has voluntarily provided for the child's care and support, or

2. demonstrated a settled intention to treat the child as a child of the person's family,

(B) who has made a written acknowledgment of the fact of his parentage to the society having or applying for the care or supervision of a child,

(C) who by order of a court of competent jurisdiction or by a written agreement is under a legal duty to provide for a child or has been granted custody of or access to a child,

(D) who has filed under section 12 of *The Children's Law Reform Act, 1977* a statutory declaration affirming that he is the father of a child, or

(E) who is in one of the circumstances referred to in paragraphs 1 to 6 of subsection 1 of section 8 of *The Children's Law Reform Act, 1977*, unless it is proven on a balance of probabilities that the person is not a parent of the child,

but does not include the Crown, a society or a foster parent of a child.

1977, c. 41

s. 28 (6),
repealed

3.—(1) Subsection 6 of section 28 of the said Act is repealed.

s. 28 (14),
re-enacted

(2) Subsection 14 of the said section 28 is repealed and the following substituted therefor:

Longer
period of
adjournment

(14) The court, with the consent of all parties present at the hearing, may adjourn the hearing under subsection 13 for a period longer than thirty days, unless a party who is not present at the hearing informs the court in writing before the adjournment is granted that the party does not consent to a longer adjournment

and, where the court grants such longer period of adjournment, the court shall give reasons for granting such longer period.

4. Clause *b* of subsection 1 of section 37 of the said Act is repealed and the following substituted therefor: s. 37 (1) (b).
re-enacted

(b) pursuant to an agreement under subsection 1 of section 25; or

- 5.—(1) Subsection 1 of section 69 of the said Act is repealed and the following substituted therefor: s. 69 (1).
re-enacted

(1) In this section, “parent” means,

Interpre-
tation

(a) a guardian of a child appointed at law;

(b) a mother of a child;

(c) a person,

(i) who has within twelve months immediately prior to a child being placed for adoption,

(A) acknowledged that he is the father of the child and has voluntarily provided for the child’s care and support, or

(B) demonstrated a settled intention to treat the child as a child of the person’s family,

(ii) who has made a written acknowledgment of the fact of his parentage to the adoption agency or licensee under subsection 5 of section 60 placing a child for adoption, as the case may be,

(iii) who by order of a court of competent jurisdiction or by a written agreement is under a legal duty to provide for a child or has been granted custody of or access to a child,

(iv) who has filed under section 12 of *The Children’s Law Reform Act, 1977* a statutory declaration affirming that he is the father of a child, 1977, c. 41

(v) who is in one of the circumstances referred to in paragraphs 1 to 6 of subsection 1 of section 8 of *The Children’s Law Reform Act, 1977*, unless it is proven on a balance of probabilities that the person is not a parent of the child,

but does not include the Crown, a society or foster parent of a child.

s. 69 (7),
amended

- (2) Subsection 7 of the said section 69 is amended by striking out "upon application by the applicant for the adoption" in the second and third lines.

s. 69 (8),
amended

- (3) Subsection 8 of the said section 69 is amended by striking out "application for" in the fourth and fifth lines and inserting in lieu thereof "proposed".

s. 69,
amended

- (4) The said section 69 is amended by adding thereto the following subsection:

Entitle-
ment to
notice

- (16) No person,

(a) who has consented to an order for adoption in accordance with this Act;

(b) whose consent a court has dispensed with in accordance with this Act; or

(c) who is a parent of a Crown ward placed for adoption,

is entitled to receive notice of the proposed adoption.

s. 69a,
enacted

6. The said Act is amended by adding thereto the following section:

Application
of R.S.O.
1970, c. 64,
s. 73

69a.—(1) Notwithstanding section 96, subsections 1 and 2 of section 73 of *The Child Welfare Act*, being chapter 64 of the Revised Statutes of Ontario, 1970, shall be deemed to apply to an order for the adoption of a child who is placed for adoption before this Act comes into force, and subsection 2 of section 69 does not apply to such adoption.

Reference to
R.S.O. 1970,
c. 64, s. 69 (2)

(2) For the purpose of an order for adoption referred to in subsection 1, a reference in section 69 to subsection 2 of section 69 shall be deemed to be a reference to subsection 1 or 2, as the case may be, of section 73 of *The Child Welfare Act*, being chapter 64 of the Revised Statutes of Ontario, 1970.

s. 74 (2),
re-enacted

7. Subsection 2 of section 74 of the said Act is repealed and the following substituted therefor:

Idem

(2) An order for adoption shall not be made where the court has made a decision under,

(a) subsection 7 of section 69 dispensing with the requirement of a consent; or

- (b) subsection 9 of section 69 refusing an application for withdrawal of a consent,

until

- (c) any appeal under subsection 2 or 3 of section 84, as the case may be, in respect of the decision has been disposed of; or
- (d) the time for commencing an appeal under subsection 5 of section 84 in respect of the decision has expired,

whichever is the later.

- 8.—(1) Paragraph 17 of subsection 1 of section 89 of the said Act is repealed and the following substituted therefor: s. 89 (1),
par. 17,
re-enacted

17. for the purposes of subsections 9 and 11 of section 25, prescribing the manner of determining the nature and degree of a developmental handicap.

- (2) Subsection 1 of the said section 89 is amended by adding thereto the following paragraph: s. 89 (1),
amended

35. prescribing a method of delivering, filing or serving any notice or class of notice required to be delivered, filed or served under this Act.

9. This Act comes into force on the day it receives Royal Assent. Commence-
ment

10. The short title of this Act is *The Child Welfare Amendment Act*, Short title
1979.

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC. 30 19 79

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Child Welfare Act, 1978

1st Reading

November 6th, 1979

2nd Reading

December 3rd, 1979

3rd Reading

December 6th, 1979

THE HON. K. C. NORRON
Minister of Community and
Social Services

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to reform the Law
respecting Residential Tenancies**

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

TORONTO

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BILL 163

1979

**An Act to reform the Law
respecting Residential Tenancies**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “benefits and obligations” includes all benefits and obligations, regardless of whether they touch and concern the land and regardless of whether they relate to things that were in existence at the time the tenancy agreement was made;
- (b) “caretaker’s unit” means a rental unit used by a person employed as a caretaker, janitor, manager, watchman, security guard or superintendent in respect of the residential complex in which the rental unit is situated;
- (c) “Commission” means the Residential Tenancy Commission established under Part VIII;
- (d) “landlord” includes the owner, or other person permitting occupancy of a rental unit, and his heirs, assigns, personal representatives and successors in title and a person, other than a tenant occupying the rental unit, who is entitled to possession of the residential complex and who attempts to enforce any of the rights of a landlord under a tenancy agreement or this Act, including the right to collect rent;
- (e) “mail” means first-class, registered or certified mail;

- (f) "Minister" means the Minister of Consumer and Commercial Relations or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act;
- (g) "mobile home" means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;
- (h) "mobile home park" means the rental units, and the land, structures, services and facilities of which the landlord retains possession and that are intended for the common use and enjoyment of the tenants of the landlord, where two or more occupied mobile homes are located for a period of sixty days or more;
- (i) "non-profit co-operative housing corporation" means a corporation incorporated without share capital under *The Co-operative Corporations Act, 1973* or any predecessor thereof or under similar legislation of Canada or any province, the main purpose and activity of which is the provision of housing for its members, and the charter or by-laws of which provide that,
 - (i) its activities shall be carried on without the purpose of gain for its members,
 - (ii) on dissolution, its property after payment of its debts and liabilities shall be distributed to non-profit or charitable organizations,
 - (iii) housing charges, other charges similar to rent, or any other charges payable by members are decided by a vote of the members or of a body duly elected or appointed by the members, or a committee thereof, and
 - (iv) termination of occupancy rights may be brought about only by a vote of the members or of a body duly elected or appointed by the members, or a committee thereof, and that the member whose occupancy rights are terminated has a right to appear and make representations prior to such vote;
- (j) "prescribed" means prescribed by the regulations made under this Act;

- (k) "rent" includes the amount of any consideration paid or given or required to be paid or given by or on behalf of a tenant to a landlord or his agent for the right to occupy a rental unit and for any services and facilities, privilege, accommodation or thing that the landlord provides for the tenant in respect of his occupancy of the rental unit, whether or not a separate charge is made for such services and facilities, privilege, accommodation or thing;
- (l) "rent deposit" means a security deposit that section 9 does not prohibit a landlord from requiring or receiving;
- (m) "rental unit" means any living accommodation or site for a mobile home used or intended for use as rented residential premises and includes a room in a boarding house or lodging house;
- (n) "residential complex" means a building, related group of buildings or mobile home park, in which one or more rental units are located and includes all common areas, services and facilities available for the use of residents of the building, buildings or park;
- (o) "security deposit" means money or any property or right paid or given by a tenant to a landlord or his agent or to anyone on his behalf to be held by or for the account of the landlord as security for the performance of an obligation or the payment of a liability of the tenant or to be returned to the tenant upon the happening of a condition;
- (p) "services and facilities" includes,
 - (i) furniture, appliances and furnishings,
 - (ii) parking and related facilities,
 - (iii) laundry facilities,
 - (iv) elevator facilities,
 - (v) common recreational facilities,
 - (vi) garbage facilities and related services,
 - (vii) cleaning or maintenance services,
 - (viii) storage facilities,
 - (ix) intercom systems,

- (x) cablevision facilities,
- (xi) heating facilities or services,
- (xii) air-conditioning facilities,
- (xiii) utilities and related services,
- (xiv) security services or facilities;

R.S.C. 1970,
c. N-10;
R.S.O. 1970,
cc. 213, 317

- (q) "subsidized public housing" means a rental unit rented to persons or families of low or modest income at reduced rents by reason of public funding provided by the Government of Canada, Ontario or a municipality, including a regional, district or metropolitan municipality, or by any agency thereof, pursuant to the *National Housing Act* (Canada), *The Housing Development Act* or *The Ontario Housing Corporation Act*, and where the amount of the reduced rent is determined by the income of the tenant;
- (r) "tenancy agreement" means an agreement between a landlord and a tenant for occupancy of a rental unit, whether written, oral or implied;
- (s) "tenant" means a person who pays rent in return for the right to occupy a rental unit and his heirs, assigns and personal representatives and a sub-tenant is a tenant of the person giving the sub-tenant the right to occupy the rental unit.

Idem

(2) For the purposes of this Act, a tenant has vacated the rental unit and the residential complex where the tenancy has been properly terminated and,

- (a) the tenant has left the rental unit and informed the landlord that he does not intend to return; or
- (b) the tenant does not ordinarily live in the rental unit, and the rent he has paid, including any rent deposit if it was applied, is no longer sufficient to meet the tenant's obligation to pay rent.

Idem

(3) For the purposes of this Act, a tenant has abandoned the rental unit and the residential complex where the tenancy has not been properly terminated and,

- (a) the tenant has left the rental unit and informed the landlord that he does not intend to return; or

- (b) the tenant does not ordinarily live in the rental unit, has not expressed an intention to resume living in the rental unit, and the rent he has paid, including any rent deposit if it was applied, is no longer sufficient to meet the tenant's obligation to pay rent.

2.—(1) This Act applies to rental units in residential complexes and to tenancy agreements, despite any other Act and despite any agreement or waiver to the contrary. Application
of Act

(2) Where a provision of this Act conflicts with a provision of any other Act, other than *The Condominium Act, 1978*, 1978, c. 84 the provision of this Act applies. Conflict

3. This Act is binding on the Crown.

Act binds
Crown

4. This Act does not apply to,

Exemptions
from Act

(a) transient living accommodation provided in a hotel, motel, inn, tourist home, hostel or other similar accommodation;

(b) living accommodation occupied as a vacation home for a seasonal or temporary period;

(c) living accommodation, whether situate on or off a farm, where occupancy of the premises is conditional upon the occupant continuing to be employed on the farm;

(d) living accommodation provided by a non-profit co-operative housing corporation to its members;

(e) living accommodation occupied by a person for penal, correctional, rehabilitative or therapeutic purposes or for the purpose of receiving care;

(f) living accommodation established to temporarily shelter persons in need;

(g) living accommodation provided in connection with the purposes for which the institution is established by a hospital, a nursing home or a home for the aged;

(h) living accommodation provided by an educational institution to its students or staff where,

(i) the living accommodation is provided primarily to persons under the age of majority, or

- (ii) all major questions related to the living accommodation are decided after consultation with a council or association representing the residents,

unless the living accommodation has its own self-contained bathroom and kitchen facilities and is intended for year-round occupation by full-time students or staff and members of their households;

- (i) living accommodation situate in a building or project used in whole or in part for non-residential purposes where the occupancy of the living accommodation is necessarily connected with the employment of the occupant in, or the performance by him of services related to, a non-residential business or enterprise carried on in the building or project.
- (j) premises occupied for business or agricultural purposes with living accommodation attached under a single lease unless the person occupying the living accommodation is a person other than the person occupying the premises for business or agricultural purposes, in which case the living accommodation shall be deemed to be a rental unit.

PART I

TENANCY AGREEMENTS

Agreement
may be oral,
written or
implied

5.—(1) A tenancy agreement may be made orally or in writing or may be implied.

Term
of oral or
implied
agreement

(2) An oral or implied tenancy agreement for a term or period greater than one year shall be deemed to be a tenancy agreement for one year only.

Standard
form of
agreement

(3) A written tenancy agreement shall be in the form set out in the Schedule hereto and shall be signed by the parties or their agents.

Where tenancy
agreement
deemed to be
in writing

(4) A tenancy agreement shall be deemed to be in writing where it has been signed by one party or his agent, given to the other party or his agent, and thereafter the tenant is permitted by the landlord to take occupancy of the rental unit.

Agreement
deemed to
include
provisions
of standard
form

(5) Every tenancy agreement not in the form set out in the Schedule shall be deemed to include the provisions of the form set out in the Schedule and any provision of the

tenancy agreement that is inconsistent with the provisions of the form set out in the Schedule or this Act is void.

(6) *The Short Forms of Leases Act* does not apply to tenancy agreements made under this Act. Non-application of R.S.O. 1970, c. 436

(7) The term or period of a tenancy shall be measured from the date the tenant is entitled to occupy the rental unit under the tenancy agreement. Commencement of tenancy

(8) All tenancy agreements are capable of taking effect at law or in equity from the date fixed for the commencement of the term or period regardless of whether the tenant has occupied the rental unit. Agreements take effect without occupancy

(9) Where, on the application of a tenant, the Commission determines that the tenant was not permitted to occupy the rental unit in accordance with the tenancy agreement, the Commission may make an order requiring the landlord to compensate the tenant for loss suffered as a result of not being permitted to occupy the unit, but nothing in this subsection prevents the tenant from applying to a county or district court or to the Supreme Court for specific performance of the tenancy agreement. Remedy where occupancy not given

6.—(1) In addition to the benefits and obligations contained in the form of tenancy agreement set out in the Schedule, a landlord and tenant may provide in a written tenancy agreement for other benefits and obligations which do not conflict with this Act, but where an obligation concerns the tenant's use, occupancy or maintenance of the rental unit or residential complex or use of services and facilities provided by the landlord, the obligation cannot be enforced unless it is reasonable in all the circumstances. Additions to standard form

(2) A landlord shall not establish or modify, nor can he enforce, rules concerning the tenant's use, occupancy or maintenance of the rental unit or residential complex or use of services and facilities provided by the landlord unless they are in writing, made known to the tenant and reasonable in all the circumstances. House rules to be reasonable

(3) Unless shown to be otherwise, for the purposes of this section, a rule or obligation is reasonable where it is, Where rule reasonable

(a) intended to,

- (i) promote fair distribution of services and facilities to the occupants of the residential complex,

- (ii) promote the safety or welfare of persons working or residing in the residential complex, or
- (iii) protect the landlord's property from abuse;
- (b) reasonably related to the purpose for which it is intended;
- (c) applicable to all tenants in a fair manner; and
- (d) sufficiently clear in its prohibition, direction or limitation of the tenant's conduct to inform him of what he must do or must not do in order to comply with it.

Determination
of
reasonableness

(4) A landlord or a tenant may apply to the Commission to determine whether a rule or obligation is reasonable in all the circumstances.

Where
compliance
order not to
issue

(5) Where the Commission determines that the tenant has breached the obligation imposed by subsection 1 of section 40 (compliance with additional obligations), no order shall be made under clause *a* or *b* of subsection 4 of section 40 unless the Commission is of the opinion that the breach has resulted in damage beyond ordinary wear and tear to the rental unit or residential complex or unreasonable interference with,

- (a) the safety; or
- (b) the enjoyment for all usual purposes by the landlord or any tenant or members of their households,

of the residential complex or any rental unit.

Accelerated
rent
prohibited

7.—(1) A tenancy agreement shall not contain any provision to the effect that a breach of the tenant's obligations under the tenancy agreement or this Act results in the whole or any part of the remaining rent becoming due and payable, or results in a specific sum becoming due and payable, and any provision of this kind is void.

Remedy
where
accelerated
rent paid

(2) Where, on the application of a tenant, the Commission determines that any moneys that the tenant has paid to the landlord have been paid under a provision in the tenancy agreement that is void under subsection 1, the Commission shall make an order requiring the landlord to repay to the tenant the moneys so paid.

8.—(1) Where a prospective tenant, at the request of a landlord, signs a document, the tenant is entitled to retain a copy of the document that he has signed.

Tenant
entitled to
retain copy
of signed
document

(2) Where a tenancy agreement is in writing, the landlord shall ensure that a copy of the agreement, signed by the landlord and the tenant, is given to the tenant within twenty-one days after it has been signed by the tenant and given to the landlord.

Delivery
of copy
of tenancy
agreement

(3) Where the copy of the tenancy agreement is not given to the tenant in accordance with subsection 2 then, until the copy is given to the tenant,

Failure to
deliver
copy of
agreement

(a) the landlord's right to enforce the tenant's obligation to pay rent is postponed; and

(b) any obligations of the tenant in addition to those contained in the form of tenancy agreement set out in the Schedule do not apply.

9.—(1) A landlord shall not require or receive a security deposit from a tenant other than,

Security
deposits

(a) in the case of a weekly tenancy, the rent for a period not exceeding one week; or

(b) in the case of a tenancy other than a weekly tenancy, the rent for a period not exceeding one month,

which shall be applied only in payment of the rent for the period immediately preceding the termination of the tenancy.

(2) Subject to subsection 3, a rent deposit may be required only at the commencement of the tenancy.

When rent
deposit may
be required

(3) Where there has been a lawful rent increase, a landlord may require the tenant to pay, as an addition to the rent deposit, the amount necessary to increase the deposit to a sum not exceeding the new rent for the period to which the deposit is applicable.

Where rent
increased

(4) A landlord shall pay annually to the tenant interest on the rent deposit at the rate of 9 per cent per year.

Interest

(5) Where, on the application of a landlord or a tenant, the Commission determines that any sum of money is payable under this section or that a sum of money has been paid

Remedies

in excess of that permitted, the Commission may make an order requiring the payment of money in accordance with its determination.

Additional
charges
prohibited

10.—(1) A landlord shall not require or receive from a prospective tenant any payment, except rent, in respect of the granting of a tenancy, but nothing in this section prevents a landlord from charging a tenant or prospective tenant for improvements to the rental unit requested by the tenant or prospective tenant where the improvements would not ordinarily be the responsibility of the landlord and any charge for the requested improvements shall be deemed not to be a rent increase under this Act.

Remedy

(2) Where, on the application of a tenant or prospective tenant, the Commission determines that the tenant or prospective tenant has made any payment prohibited by subsection 1, the Commission may make an order requiring the landlord to return the payment to the tenant or prospective tenant.

Post-dated
cheques

11.—(1) A landlord or a tenancy agreement shall not require the delivery of any post-dated cheque or other negotiable instrument to be used for payment of rent.

Credit cards

(2) A landlord shall not require or accept the payment of rent by means of a credit card.

Permission
to breach
obligation

12. Express permission to breach, or the failure to enforce, an obligation under a tenancy agreement or this Act does not prevent the enforcement of the obligation where another breach occurs.

Application of
R.S.O. 1970,
c. 236

13. To the extent that they are consistent with this Act, sections 38 and 39 of *The Commercial Tenancies Act* (which concern the effects of a tenant's bankruptcy) apply to rental units and tenancy agreements under this Act.

PART II

CHANGE OF LANDLORD OR TENANT

GENERAL

Change of
landlord,
benefits and
obligations
continue

14. Where there has been a change of landlord, all benefits and obligations arising under this Act, and any additional benefits and obligations arising under a written tenancy agreement, bind the new landlord.

Change
of tenant,
benefits and
obligations
continue

15. Where there has been an assignment of a tenancy agreement by a tenant, all benefits and obligations arising

under this Act, and any additional benefits and obligations arising under a written tenancy agreement, bind the new tenant.

ASSIGNMENT AND SUBLETTING

16.—(1) A tenant may, subject to subsection 2, transfer his right to occupy the rental unit to another person, but the transfer may only be one of the following types: Right to assign or sublet

1. Where the tenant does not intend to return to the rental unit, he may give up all his interest in the rental unit to the other person, in which case the transfer shall be called an assignment.
2. Where the tenant intends to return to the rental unit, he may give the right to occupy the rental unit to the other person for a term ending on a specified date before the end of the tenant's term or period and provide that the tenant will resume occupancy on that date, in which case the transfer shall be called a subletting.

(2) An assignment or subletting is not valid unless, Consent

- (a) the landlord has given his written consent, which consent shall not be unreasonably withheld; or
- (b) the Commission has made an order permitting the assignment or subletting to be made without the landlord's written consent.

(3) A landlord shall not make any charge for giving the consent referred to in clause *a* of subsection 2 except a sum to compensate the landlord for his reasonable expenses arising from the assignment or subletting, not exceeding \$50. Charge for consent

(4) Consent to assign or consent to sublet shall be in the prescribed form and shall be signed by the landlord or his agent. Form of consent

(5) An assignment shall be in the prescribed form and shall be signed by the tenant and the new tenant or their agents and, where there is a written tenancy agreement, a copy shall be attached. Form of assignment

(6) A subletting agreement shall be in the prescribed form and shall be signed by the tenant and the sub-tenant or their Form of subletting agreement

agents and, where there is a written tenancy agreement, a copy shall be attached.

When
assignment
or subletting
takes effect

(7) An assignment or subletting takes effect on the date the new tenant or sub-tenant is entitled to occupancy.

Subsidized
public
housing

(8) Subsection 1 does not apply to a tenant of subsidized public housing.

Remedies

(9) Where, on the application of a landlord or a tenant, the Commission determines any question arising under this section, the Commission may make an order,

(a) where the landlord has unreasonably withheld his consent, permitting the assignment or subletting to be made without the landlord's written consent; or

(b) directing the payment of any moneys that are payable by one to the other.

Improper
assignment
or subletting:
remedy

17.—(1) Where, on the application of a landlord brought within sixty days of his learning of a transfer of occupancy, the Commission determines that there has been a transfer of occupancy that does not comply with, or is not permitted by, section 16, the Commission may make an order evicting the occupant on the earliest reasonable date.

Deemed
valid
assignment

(2) Where the landlord has not applied under subsection 1, the transfer of occupancy shall be deemed to have been a valid assignment from the time the new tenant first occupied the rental unit.

Delivery
of copy of
tenancy
agreement

(3) Where a transfer of occupancy has been deemed to be an assignment, the new tenant shall be entitled to demand a copy of the written tenancy agreement, if any, that is applicable to the rental unit.

Failure to
deliver copy
of
agreement

(4) Where a copy of the applicable written tenancy agreement is not given to the new tenant within twenty-one days of the new tenant's demand for it, then, until the copy is given to the new tenant or until the landlord has offered to enter into a new tenancy agreement with him,

(a) the landlord's right to enforce the new tenant's obligation to pay rent is postponed; and

(b) any obligations of the new tenant in addition to those contained in the form of tenancy agreement set out in the Schedule do not apply.

18. Where there has been an assignment under this Act, Consequences of assignment

- (a) the new tenant is liable to the landlord for any breach of the tenant's obligations under the tenancy agreement or this Act, where the breach relates to the period after the assignment, whether or not the breach began before the assignment;
- (b) the former tenant is liable to the landlord for any breach of the tenant's obligations under the tenancy agreement or this Act, where the breach relates to the period before the assignment;
- (c) the new tenant is entitled to enforce against the landlord any obligation of the landlord under the tenancy agreement or this Act, where the breach of obligation relates to the period after the assignment, whether or not the breach began before the assignment;
- (d) the former tenant is entitled to enforce against the landlord any obligation of the landlord under the tenancy agreement or this Act, where the breach of obligation relates to the period before the assignment; and
- (e) where the former tenant has started a proceeding under this Act before the assignment, and the benefits or obligations of the new tenant may be affected, the new tenant is entitled to join in or continue the proceeding.

19. Where there has been a subletting under section 16, Consequences of subletting

- (a) the tenant remains entitled to the benefits, and is liable to the landlord for the breaches of the tenant's obligations, under the tenancy agreement or this Act during the term of the subletting;
- (b) the sub-tenant is entitled to the benefits, and is liable to the tenant for the breaches of the sub-tenant's obligations, under the subletting agreement or this Act during the term of the subletting.

20.—(1) A sub-tenant has no right to occupy the rental unit after the end of the term of the subletting. When sub-tenant must vacate

(2) Where, on the application of a tenant or a landlord, the Commission determines that a sub-tenant has continued to occupy the rental unit after the end of the term of the Remedy against sub-tenant

subletting, the Commission may make an order evicting the sub-tenant on the earliest reasonable date.

Deemed
valid
assignment

(3) Where a tenant or a landlord has not applied under subsection 2 within sixty days after the end of the term of the subletting and the sub-tenant has continued to occupy the rental unit, a valid assignment to the sub-tenant shall be deemed to have taken place on the date the sub-tenant first occupied the unit under the subletting agreement.

CHANGE OF LANDLORD

Landlord's
right to sell,
mortgage, etc.

21.—(1) No sale, mortgage or other dealing with the landlord's interest in the residential complex depends for its validity on the acceptance of the transaction by the tenants of the residential complex.

Person to
whom rent
is payable

(2) A tenant may continue, without prejudice, to pay rent to his landlord until he has received written notice that another person has acquired the landlord's right to possession of the residential complex and is attempting to enforce any of the rights of the landlord under the tenancy agreement or this Act, including the right to collect rent.

Where
tenant
uncertain

(3) Where a tenant is uncertain about who is entitled to be paid the rent, he may request the Commission to enquire into the matter and where the Commission is unable to ascertain the person entitled to the rent, the Commission may direct the tenant to pay his rent to the Commission until the person entitled to the rent is determined, at which time the rent shall be paid to that person.

Consequences
of change of
landlord

22. Where there has been a change of landlord,

- (a) the new landlord is liable to a tenant for any breach of the landlord's obligations under the tenancy agreement or this Act, where the breach relates to the period after the change of landlord, whether or not the breach began before the change of landlord;
- (b) the former landlord is liable to a tenant for any breach of the landlord's obligations under the tenancy agreement or this Act, where the breach relates to the period before the change of landlord;
- (c) the new landlord is entitled to enforce against a tenant any obligation of the tenant under the tenancy agreement or this Act, where the breach

of obligation relates to the period after the change of landlord, whether or not the breach began before the change of landlord;

- (d) the former landlord is entitled to enforce against a tenant any obligation of the tenant under the tenancy agreement or this Act, where the breach of obligation relates to the period before the change of landlord; and
- (e) where the former landlord has started a proceeding under this Act before the change of landlord, and the benefits or obligations of the new landlord may be affected, the new landlord is entitled to join in or continue the proceeding.

PART III

BENEFITS AND OBLIGATIONS

SECURITY OF TENURE

23.—(1) A tenancy may not be terminated except in accordance with this Act. Restriction on termination of tenancy

(2) A landlord shall not regain possession of a rental unit unless, Restriction on recovery of possession

(a) a writ of possession has authorized the regaining of possession; or

(b) the tenant has vacated or abandoned the rental unit.

24.—(1) Where a tenancy agreement specifies a date for the tenancy agreement to end, the landlord and tenant shall be deemed to have renewed the tenancy agreement on that date as a monthly tenancy with the same benefits and obligations as existed under the former tenancy agreement, subject to a rent increase that complies with section 60 (notice of rent increase). Automatic renewal of tenancy

(2) Subsection 1 applies where, Application of subs. 1

(a) the landlord and tenant have not entered into a new tenancy agreement; and

(b) the tenancy has not been terminated in accordance with this Act.

MUTUAL OBLIGATIONS

Change of
locks:
rental unit

25.—(1) A landlord or tenant shall not change the locks on any entrance to the rental unit without the agreement of the other party made at the time of the change.

residential
complex

(2) A landlord or tenant shall not change the locks on any entrance to the residential complex so as to unreasonably interfere with the other's access to the complex.

Remedies

(3) Where, on the application of a landlord or a tenant, the Commission determines that an obligation imposed by this section has been breached, the Commission may make an order,

- (a) requiring the person who breached the obligation to give access to the residential complex or rental unit;
- (b) requiring the person who breached the obligation to not breach the obligation again;
- (c) requiring the person who breached the obligation to compensate the party affected for loss suffered as a result of the breach.

Tenant's
right to
privacy

26.—(1) A landlord shall not enter a rental unit unless he is given the right to do so by this section.

Landlord's
right to
enter

(2) A landlord has the right to enter a rental unit, and the tenant shall permit the landlord to enter,

- (a) to perform the landlord's obligations under the tenancy agreement and this Act;
- (b) to inspect the rental unit where the tenant has requested his consent to an assignment or subletting;
- (c) to show the rental unit to prospective tenants after the tenant has given notice to terminate the tenancy, the landlord and tenant have agreed to terminate or the Commission has made an order terminating the tenancy;
- (d) to inspect the rental unit and to permit a mortgagee or prospective mortgagee or an insurer or prospective insurer to inspect the unit where a mortgage or insurance coverage is being arranged or is required to be renewed on the residential complex;

- (e) to inspect the rental unit on the day the tenant is required to vacate the unit to determine if the tenant has fulfilled his obligations under the tenancy agreement and this Act.

(3) A landlord who intends to exercise the right to enter given by subsection 2 shall first give written notice to the tenant at least forty-eight hours before the first time of entry under the notice, specifying the purpose of the entry and the days and the hours during which the landlord intends to enter the rental unit, and those hours must be between 9 a.m. and 9 p.m. ^{Need for notice}

(4) Unless the tenant objects to the days and hours set out in the landlord's notice and specifies alternative days and hours that are reasonable in the circumstances, the landlord may enter in accordance with the notice given under subsection 3. ^{Tenant may specify alternative hours}

(5) A landlord has the right to enter the rental unit without giving the notice required by subsection 3 where, ^{Entry without notice}

- (a) an emergency exists, in which case the tenant shall permit the landlord to enter;
- (b) the tenant consents at the time of entry; or
- (c) the landlord has good reason to believe that the tenant has vacated or abandoned the rental unit.

(6) A landlord has the right to enter a rental unit, and the tenant shall permit the landlord to enter, to show the rental unit to prospective purchasers of the residential complex, ^{Landlord's right to enter to show unit to prospective purchasers of complex}

- (a) at times agreed to between the landlord and the tenant; or
- (b) where there is no agreement, on the days and at the hours specified by the Commission on the application of either the landlord or the tenant.

(7) Where, on the application of a landlord or a tenant, the Commission determines that an obligation imposed by this section has been breached, the Commission may make an order, ^{Remedies}

- (a) requiring the person who breached the obligation to not breach the obligation again;

- (b) requiring the person who breached the obligation to compensate the affected party for loss suffered as a result of the breach.

Duty to
minimize
losses

27.—(1) Where a landlord or a tenant becomes liable to pay compensation as a result of a breach of the tenancy agreement or this Act, the person entitled to claim the compensation has a duty to take reasonable steps to minimize his losses.

Landlord's
duty where
tenant
abandons

(2) Where a tenant abandons a rental unit, the landlord shall endeavour, in minimizing his losses as required by subsection 1, to re-rent the rental unit as soon as is practicable and at a reasonable rent.

LANDLORD'S OBLIGATIONS

Landlord's
responsibility
to repair

28.—(1) A landlord is responsible for providing and maintaining,

- (a) the rental unit;
- (b) the residential complex; and
- (c) all services and facilities promised by the landlord whether or not included in a written tenancy agreement,

in a good state of repair and fit for habitation during the tenancy and for complying with health, safety and maintenance and occupancy standards required by law.

Reduction
of services,
etc.

(2) Any substantial reduction in the provision of services and facilities shall be deemed to be a breach of subsection 1.

Knowledge of
non-repair
immaterial

(3) Subsection 1 applies regardless of whether any state of non-repair existed to the knowledge of the tenant before the tenancy agreement was entered into.

Remedies

(4) Where, on the application of a tenant, the Commission determines that the landlord has breached the obligation imposed by this section, the Commission may make an order,

- (a) requiring the landlord to comply with his obligation;
- (b) requiring the landlord to not breach his obligation again;
- (c) authorizing any repair or other action by the tenant that has been taken or is to be taken to remedy

the effects of the landlord's breach and requiring the landlord to pay any reasonable expenses associated with the repair or action;

- (d) requiring the landlord to compensate the tenant for loss that has been or will be suffered as a result of the breach, including any loss that was suffered as a result of an unreasonable delay by the landlord in remedying the effects of the breach;
- (e) terminating the tenancy on a date specified by the Commission where the breach of obligation is so substantial that the continuation of the tenancy would be unfair to the tenant.

(5) A tenant shall give prompt notice to the landlord of any substantial breach of the obligation imposed by subsection 1 that comes to the tenant's attention. Notice of substantial breach

(6) Where the landlord does not remedy the breach within ten days, the tenant may pay to the Commission by cash, certified cheque or money order all or part of the rent lawfully required on the subsequent dates specified by the tenancy agreement and the payment of rent to the Commission shall be accompanied by an application to the Commission under this section. Payment of rent to Commission

(7) Where the Commission is of the opinion that the tenant had no reasonable grounds to believe that there was a substantial breach of the obligation imposed by subsection 1, the Commission may make an order, Where tenant does not act on reasonable grounds

(a) requiring the tenant to compensate the landlord for any additional reasonable expenses incurred by the landlord in collecting rent from the Commission;

(b) where the tenant persistently diverts rent without reasonable grounds, terminating the tenancy and evicting the tenant on a date specified by the Commission.

(8) Where, based on the obligation imposed by subsection 1, a person claims compensation for personal injury, no compensation shall be awarded unless it is shown that the landlord wilfully or negligently breached the obligation. Compensation for personal injury

29.—(1) A landlord shall not, until the date the tenant vacates or abandons the rental unit, withhold or cause to be withheld the reasonable supply of any vital service, such as heat or fuel or electricity, gas, hot and cold water or other Duty to not withhold vital services

public utility, that it is his obligation to supply under the tenancy agreement, or deliberately interfere with the supply of a vital service whether or not it is his obligation to supply that service during the tenant's occupancy of the rental unit.

Remedies

(2) Where, on the application of a tenant, the Commission determines that the landlord has breached the obligation imposed by subsection 1, the Commission may make an order,

- (a) requiring the landlord to comply with his obligation;
- (b) requiring the landlord to not breach his obligation again;
- (c) requiring the landlord to compensate the tenant for loss suffered as a result of the breach;
- (d) directing the tenant to pay to the Commission all or part of his rent that would otherwise be payable to the landlord;
- (e) terminating the tenancy on a date specified by the Commission, where the breach of obligation is so substantial that the continuation of the tenancy would be unfair to the tenant.

Notice
required
where public
utility
to be
discontinued
R.S.O. 1970,
c. 390

(3) Where a corporation, including a municipal corporation, or a public utility commission, that supplies any public utility within the meaning of *The Public Utilities Act* has reason to believe that a building or mobile home park it supplies is a residential complex, the corporation or commission shall not stop the supply from entering the residential complex or any rental unit therein because of a failure to pay the rate or charge due to the corporation or commission unless the corporation or commission, not less than seven days before the day on which the supply is to be stopped, gives notice in writing to the Commission of its intention to do so.

Role of
Commission
in preventing
discon-
tinuance

(4) Where the Commission receives a notice under subsection 3, or where the Commission is otherwise notified that the supply of a public utility to a residential complex or any rental unit therein has been or is likely to be stopped, and if the Commission after enquiry into the circumstances is of the opinion that the landlord of the residential complex has breached or is likely to breach his obligation to furnish the supply of the public utility to the residential complex, the Commission, after first affording the landlord an opportunity to be heard, may make an order directing any or all of the tenants in the residential complex to pay to the Commission all or part of the rent that would otherwise be payable to the landlord.

30.—(1) A landlord shall not unreasonably interfere with, Duty to not interfere with safety or enjoyment

(a) the safety; or

(b) the enjoyment for all usual purposes by a tenant or members of his household,

of the rental unit or residential complex.

(2) Where, on the application of a tenant, the Commission determines that the landlord has breached the obligation imposed by this section, the Commission may make an order, Remedies

(a) requiring the landlord to comply with his obligation;

(b) requiring the landlord to not breach his obligation again;

(c) requiring the landlord to compensate the tenant for loss suffered as a result of the breach;

(d) terminating the tenancy on a date specified by the Commission where the breach of obligation is so substantial that the continuation of the tenancy would be unfair to the tenant.

31.—(1) A landlord shall not seize the personal property of a tenant for any breach by the tenant of the tenancy agreement or this Act, including the obligation to pay rent. No seizure of tenant's property

(2) Subsection 1 does not apply to a seizure of property when the seizure is made by the sheriff in satisfaction of an order of a court or the Commission. Seizure by sheriff

(3) Where, on the application of a tenant, the Commission determines that the landlord has breached the obligation imposed by this section, the Commission shall make an order, Remedies

(a) that the personal property be returned;

(b) that the landlord compensate the tenant for any damage done to the property and for the wrongful seizure.

32.—(1) A landlord shall give notice to his tenants of, Notice of legal name of landlord, etc.

(a) the legal name of the landlord, the landlord's address for the giving of notices or documents and, where there is no agent of the landlord having authority in respect of the residential complex, the landlord's telephone number; and

- (b) the name, address and telephone number of any agent of the landlord having authority in respect of the residential complex.

Posting
of notice

(2) Where a landlord rents more than one rental unit in the same residential complex and retains possession of part of the complex for the common use of all tenants, he shall fulfil the obligation imposed by subsection 1 by posting up and maintaining posted in a conspicuous place the information required by subsection 1.

Proceedings
against
landlord

(3) Any proceeding taken by a tenant may be commenced against the landlord in the name provided under clause *a* of subsection 1.

Remedy

(4) Where, on the application of a tenant, the Commission determines that the landlord has breached an obligation imposed by this section, the Commission shall make an order requiring the landlord to comply with his obligation.

Rent schedule

33.—(1) Every landlord shall maintain and keep available, in the residential complex, for examination at reasonable hours, a schedule showing, for each rental unit located in the residential complex of which he is the landlord, the following information:

- (a) the number of bedrooms;
- (b) the current rent being charged for the unit;
- (c) those services and facilities, accommodations and things included in the current rent for which a separate charge is allocated by the landlord and the amount of each such charge;
- (d) the immediately preceding rent that was charged for the unit;
- (e) those services and facilities, accommodations and things included in the immediately preceding rent for which a separate charge was allocated by the landlord and the amount of each such charge; and
- (f) the date of the last rent increase for the unit.

Posting of
notice

(2) Where there is more than one rental unit in a residential complex, the landlord shall post up conspicuously and maintain posted a notice advising of the existence of

the schedule and when and where it may be examined by persons having an interest in the matter.

(3) Every landlord shall, at least once in every twelve month period, give to the Commission a copy of the schedule maintained by him under subsection 1. Copy to Commission

(4) The Commission shall keep the schedule received by it under subsection 3 in the region in which the residential complex is situate and shall make the schedule available for examination by any person having an interest in the matter. Schedules to be kept in region

(5) Subsection 3 does not apply to rental units that are exempt from rent review under Part XI. Exception

(6) This section does not apply to a residential complex owned, operated or administered by or on behalf of the Government of Canada or Ontario or a municipality, including a regional, district or metropolitan municipality, or any agency thereof. Government-owned housing

(7) Where a rental unit in a residential complex, other than a complex referred to in subsection 6, is subsidized public housing, the rent charged that is shown on the schedule shall be the total amount of the rent being received by the landlord for that unit. Subsidized public housing

(8) Where, on the application of any person having an interest in the matter, the Commission determines that the landlord has breached an obligation imposed by this section, the Commission shall make an order requiring the landlord to comply with his obligation. Remedy

34.—(1) A landlord shall comply with additional obligations under the tenancy agreement. Compliance with additional obligations

(2) Where, on the application of a tenant, the Commission determines that the landlord has breached the obligation imposed by this section, the Commission may make an order, Remedies

- (a) requiring the landlord to comply with his obligation;
- (b) requiring the landlord to not breach his obligation again;
- (c) requiring the landlord to compensate the tenant for loss suffered as a result of the breach;
- (d) authorizing any action by the tenant that has been taken or is to be taken to remedy the effects of the

landlord's breach and requiring the landlord to pay any reasonable expenses associated with the action.

Entry by
political
canvassers

35.—(1) A landlord shall not restrict reasonable access to the residential complex by candidates, or their authorized representatives, for election to the House of Commons, the Legislative Assembly, or any office in a municipal government or a school board, for the purpose of canvassing or distributing election material.

Use of
common
room

(2) Where a residential complex contains a common room that is available for the recreational use of tenants, and a tenant or group of tenants wishes to use the room for a meeting between tenants of the complex and a holder of, or candidate for, any elected office mentioned in subsection 1, the landlord shall not prohibit the use of the room by reason only of the purpose of the meeting.

Remedy

(3) Where, on the application of a tenant or any other person affected, the Commission determines that the landlord has breached an obligation imposed by this section, the Commission shall make an order requiring the landlord to comply with his obligation.

TENANT'S OBLIGATIONS

Obligation to
pay rent

36.—(1) A tenant shall pay to the landlord the rent lawfully required by the tenancy agreement on the dates specified by the tenancy agreement.

Remedies

(2) Where, on the application of a landlord, the Commission determines that a tenant has failed to pay rent in accordance with subsection 1, the Commission may make an order,

- (a) requiring the tenant to pay the rent owing;
- (b) requiring the tenant to pay his rent on time in the future;
- (c) terminating the tenancy and evicting the tenant on a date not earlier than,
 - (i) where the landlord holds a rent deposit, the last day for which rent has been paid or the fourteenth day following the application to the Commission, whichever is later, or

- (ii) where the landlord does not hold a rent deposit, the fourteenth day following the application to the Commission.

(3) Where the Commission makes an order under clause *a* of subsection 2, the Commission may, in determining the amount of rent owing, where it considers it is justified in doing so, take into account reasonable expenses incurred by the tenant to remedy the effects of any breach by the landlord of his obligation under section 28 (landlord's responsibility to repair). Determination of amount of rent owing

(4) Where, before an order is made, the tenant pays the rent due to the landlord or the Commission, the Commission shall not make an order terminating the tenancy for failure to comply with subsection 1. Where payment prevents termination

(5) A tenant shall not withhold the payment of rent except under section 8 or 17 (where landlord fails to give copy of tenancy agreement to tenant) or unless the Commission directs the tenant to pay all or part of his rent to the Commission or unless the tenant pays all or part of his rent to the Commission under subsection 6 of section 28. Tenant not to withhold rent

(6) A tenant who withholds the payment of rent for a reason referred to in subsection 5 shall be deemed not to be in breach of the obligation imposed by subsection 1. Effect of withholding payment of rent

37.—(1) A tenant is responsible for the repair of damage to the rental unit and the residential complex, including all services and facilities provided by the landlord, caused by the tenant's wilful or negligent conduct or that of persons who are permitted on the premises by him. Responsibility for repair of damage

(2) Where, on the application of a landlord, the Commission determines that a tenant has breached the obligation imposed by this section, the Commission may make an order, Remedies

(a) requiring the tenant to comply with his obligation;

(b) prohibiting the tenant from doing any further damage;

(c) requiring the tenant to compensate the landlord for loss suffered as a result of the breach;

- (d) authorizing any repair or other action by the landlord that has been taken or is to be taken to remedy the effects of the tenant's breach and requiring the tenant to pay any reasonable expenses associated with the repair or action;
- (e) terminating the tenancy and evicting the tenant on a date specified by the Commission.

Duty to not
interfere with
safety or
enjoyment

38.—(1) A tenant shall not unreasonably interfere with,

- (a) the safety; or
- (b) the enjoyment for all usual purposes by the landlord or any other tenant or members of their households,

of the residential complex or any other rental unit.

Deemed
interference
by tenant

(2) Unreasonable interference by a person permitted by a tenant to enter the residential complex or his rental unit shall be deemed to be unreasonable interference by the tenant.

Remedies

(3) Where, on the application of a landlord, the Commission determines that a tenant has breached the obligation imposed by subsection 1, the Commission may make an order,

- (a) requiring the tenant to comply with his obligation;
- (b) requiring the tenant to not breach his obligation again;
- (c) requiring the tenant to compensate the persons affected for loss suffered as a result of the breach;
- (d) terminating the tenancy and evicting the tenant on a date specified by the Commission.

Landlord to
investigate
complaints

(4) Where a tenant informs his landlord that he has been affected by a breach of the obligation imposed by subsection 1, the landlord shall enquire into the complaint and take appropriate action, and the action taken may include the making of an application under subsection 3.

Where tenant
not satisfied

(5) Where, after receiving a complaint under subsection 4, the landlord does not make an application under subsection 3 and the complaining tenant is not satisfied with the action, if any, that the landlord has taken, the complaining tenant

may give a written notice to that effect to the landlord and the Commission.

(6) Where the Commission receives a notice under subsection 5, the Commission shall enquire into the matter and, where it is of the opinion that there would be reasonable grounds for an application under subsection 3, shall attempt, by whatever means it considers necessary, to resolve the complaint by agreement. Commission to enquire into matter

(7) Where the Commission is of the opinion that it has been unable to resolve the complaint within a reasonable time, Deemed application under subs. 3

- (a) an application by the landlord under subsection 3 against the tenant alleged to have breached the obligation imposed by subsection 1 shall be deemed to have been made;
- (b) the landlord, the complaining tenant and the tenant alleged to have breached the obligation are parties to the application; and
- (c) the landlord shall be deemed to have complied with section 98.

39. Where, on the application of a landlord, the Commission determines that, Prompt eviction for serious breach

- (a) a tenant has breached the obligation not to unreasonably interfere imposed by section 38, and the continuation of the tenancy would be unfair to the other occupants of the residential complex;
- (b) a tenant or a member of his household has caused extraordinary damage to the rental unit, the residential complex or services and facilities provided by the landlord; or
- (c) a tenant was permitted to occupy the rental unit as a result of a promise to pay the first instalment of rent or the rent deposit within a specified time and,
 - (i) failed to do so, or
 - (ii) gave the landlord a cheque or other negotiable instrument for the first instalment of rent or the rent deposit which proved to be worthless,

the Commission may make an order terminating the tenancy and evicting the tenant on the earliest possible date.

Compliance
with
additional
obligations

40.—(1) A tenant shall comply with rules or obligations under the tenancy agreement, except those that are unenforceable under section 6 (rules to be reasonable).

Responsibility
for cleanliness

(2) A tenant shall maintain the rental unit and all services and facilities provided by the landlord of which the tenant has exclusive use in a state of ordinary cleanliness.

Overcrowding

(3) A tenant shall not permit a number of persons to occupy the rental unit on a continuing basis that results in the contravention of health, safety or housing standards required by law or in a breach of the tenancy agreement.

Remedies

(4) Where, on the application of a landlord, the Commission determines that a tenant has breached an obligation imposed by this section, the Commission may make an order,

(a) requiring the tenant to comply with his obligation;

(b) requiring the tenant to not breach his obligation again;

(c) requiring the tenant to compensate the landlord for loss suffered as a result of the breach;

(d) authorizing any action by the landlord that has been taken or is to be taken to remedy the effects of the tenant's breach and requiring the tenant to pay any reasonable expenses associated with the action.

Illegal
activities

41.—(1) A tenant shall not carry on or permit to be carried on any illegal activity or do or permit the doing of any illegal act in the rental unit or in the residential complex.

Remedies

(2) Where, on the application of a landlord, the Commission determines that a tenant has breached the obligation imposed by this section and that the landlord or another occupant of the residential complex has been adversely affected, or is likely to be adversely affected by a continuation or repetition of the breach, the Commission may make an order,

(a) requiring the tenant to comply with his obligation;

- (b) requiring the tenant to not breach his obligation again;
- (c) terminating the tenancy and evicting the tenant on a date specified by the Commission.

42.—(1) A tenant of subsidized public housing shall not, ^{Obligations of public housing tenants}

- (a) knowingly make a significant false statement in his application for accommodation;
- (b) at any time knowingly and significantly misrepresent his income or income-producing assets or that of other persons occupying the rental unit; or
- (c) fail to provide the landlord, within a reasonable time after being required to do so by the tenancy agreement, with a statement of income or income-producing assets or that of other persons occupying the rental unit.

(2) Where, on the application of a landlord, the Commission ^{Remedy} determines that a tenant has breached the obligation imposed by clause *a* or *b* of subsection 1, the Commission may make an order,

- (a) requiring the tenant to compensate the landlord for loss suffered as a result of the breach;
- (b) terminating the tenancy and evicting the tenant on a date specified by the Commission.

(3) Where, on the application of a landlord, the Com- ^{Idem} mission determines that a tenant has breached the obligation imposed by clause *c* of subsection 1, the Commission may make an order,

- (a) requiring the tenant to comply with his obligation;
- (b) requiring the tenant to not breach his obligation again;
- (c) requiring the tenant to compensate the landlord for loss suffered as a result of the breach.

ENFORCEMENT OF COMMISSION ORDERS

43. Where, on the application of a tenant, the Commission determines that the landlord has failed to obey an order of ^{Where landlord fails to comply with order}

the Commission or a court concerning the landlord's obligations under the tenancy agreement or this Act, the Commission may make an order,

- (a) directing the tenant to pay to the Commission all or part of his rent that would otherwise be payable to the landlord;
- (b) terminating the tenancy on a date specified by the Commission where the failure to obey the order is so substantial that the continuation of the tenancy would be unfair to the tenant.

Where
tenant fails
to comply
with order

44. Where, on the application of a landlord, the Commission determines that a tenant has failed to obey an order of the Commission or a court concerning the occupancy of a rental unit or the tenant's obligations under the tenancy agreement or this Act, the Commission may make an order,

- (a) extending the time in which the tenant may comply with the order;
- (b) terminating the tenancy and evicting the tenant on a date specified by the Commission.

PART IV

TERMINATION WITHOUT FAULT

Agreement
to
terminate

45. Where a landlord and tenant agree in writing after a tenancy agreement has been made to terminate the tenancy on a specified date, the tenancy is terminated on the date specified.

Termination
by tenant:
fixed
term

46. Where a tenancy agreement specifies a date for the tenancy agreement to end, the tenant may terminate the tenancy on the date specified in the agreement by giving the landlord a notice of termination not later than thirty days before the termination date.

Termination
by tenant:
periodic
tenancy

47. Where a tenancy agreement does not specify a date for the tenancy to end, the tenant may terminate the tenancy on the last day of a period of the tenancy by giving the landlord a notice of termination,

- (a) in the case of a weekly tenancy, at least seven days before the termination date; or
- (b) in the case of a tenancy other than a weekly tenancy, at least thirty days before the termination date.

48. A notice of termination by a tenant shall be in writing and shall, Contents
of tenant's
notice of
termination

- (a) be signed by the tenant or his agent;
- (b) identify the rental unit to which the notice applies;
and
- (c) state the date on which the tenancy is to terminate.

49. Where, on the application of a landlord, the Commission determines that there is an agreement to terminate under section 45, or that the tenant has given a written notice of termination, the Commission may make an order, Enforcement
of agreement
or notice to
terminate

- (a) evicting the tenant on the date specified in the agreement or notice, or on the earliest reasonable date thereafter;
- (b) requiring the tenant to compensate the landlord for the use and occupation of the rental unit, calculated for each day the tenant remains in occupation following the termination of the tenancy.

50. Where, on the application of a landlord or a tenant, the Commission determines that, Shared
accommo-
dation

- (a) the landlord and the tenant share a bathroom or kitchen facility; and
- (b) personal differences that have arisen between the landlord and the tenant make the continuation of the tenancy unfair to either of them,

the Commission may make an order terminating the tenancy, and where the landlord is applicant, evicting the tenant, on a date specified by the Commission.

51.—(1) Where, on the application of a landlord, the Commission determines that the landlord in good faith, Termination
by landlord
for own use
or where
sale

- (a) requires possession of a rental unit for the purpose of residence by himself, his spouse, his child or parent, or a child or parent of his spouse; or
- (b) has entered into an agreement of sale of a residential complex and,
 - (i) is required by the agreement of sale to deliver vacant possession of a rental unit to the purchaser, and

- (ii) the purchaser requires possession of the rental unit for the purpose of residence by himself, his spouse, his child or parent, or a child or parent of his spouse,

the Commission may make an order terminating the tenancy and evicting the tenant,

- (c) on the last day of a rent payment period not earlier than sixty days after the date the application is made; or

- (d) at the end of the tenancy agreement,

whichever is later.

Where
order may be
refused

(2) The Commission may refuse to make an order terminating a tenancy and evicting the tenant under clause *a* of subsection 1 where the applicant's claim is based on a tenancy agreement or occupancy agreement that purports to entitle the applicant to reside in the rental unit.

Early
termination
by tenant

(3) Where a tenant receives a copy of an application under subsection 1, he may, at any time before the date specified for termination in the application, terminate the tenancy by,

- (a) giving the landlord not less than ten days notice of termination specifying an earlier date of termination of the tenancy; and

- (b) paying to the landlord on the date the tenant gives notice of termination under clause *a* the proportionate amount of rent due up to the date the earlier termination is specified to be effective, and in determining the proportionate amount of rent due, the tenant is entitled to take into account the amount of any rent deposit he has paid.

Overpayment
by tenant

(4) Where, on the application of a tenant, the Commission determines that the tenant has terminated the tenancy under subsection 3, the Commission shall make an order requiring the landlord to pay to the tenant any overpayment of rent paid by the tenant, including any rent deposit.

Termination
for
demolition,
change of
use or
major repairs

52.—(1) Where, on the application of a landlord, the Commission determines that the landlord in good faith requires possession of a rental unit for the purposes of,

- (a) demolition;

- (b) changing the use of the rental unit to a use other than that of rented residential premises; or
- (c) making repairs or renovations so extensive as to require a building permit and vacant possession of the rental unit,

and that the landlord has obtained all necessary permits or other authority that may be required, the Commission may make an order terminating the tenancy and evicting the tenant,

- (d) on the last day of a rent payment period not earlier than 120 days after the application is made; or
- (e) at the end of the tenancy agreement,

whichever is later.

(2) The Commission may refuse to make an order terminating a tenancy and evicting the tenant under clause *b* of subsection 1 where the applicant's claim is based on a tenancy agreement or occupancy agreement that purports to entitle the applicant to reside in the rental unit.

Where
order
may be
refused

(3) Where a tenant receives a copy of an application under subsection 1, he may at any time before the date specified for termination in the application, terminate the tenancy by,

Early
termination
by tenant

- (a) giving the landlord not less than ten days notice of termination specifying an earlier date of termination of the tenancy; and
- (b) paying to the landlord on the date the tenant gives notice of termination under clause *a* the proportionate amount of rent due up to the date the earlier termination is specified to be effective, and in determining the proportionate amount of rent due, the tenant is entitled to take into account the amount of any rent deposit he has paid.

(4) Where, on the application of a tenant, the Commission determines that the tenant has terminated the tenancy under subsection 3, the Commission shall make an order requiring the landlord to pay to the tenant any overpayment of rent paid by the tenant, including any rent deposit.

Overpayment
by tenant

(5) Where a tenant has received a copy of an application for termination under clause *c* of subsection 1 and has indicated in writing to the landlord, before vacating the rental unit, that he wishes to have a right of first refusal to rent the

Tenant's
right of
first refusal

unit as a tenant when the repairs or renovations are completed, the tenant shall have the right of first refusal to rent the unit, at the lowest rent that would be charged to any other tenant for the same unit, provided that the tenant informs the landlord by mail of any change of address.

Remedy where
right of first
refusal denied

(6) Where, on the application of a former tenant, the Commission determines that the landlord has deprived the tenant of the benefit of subsection 5, the Commission may make an order requiring the landlord to compensate the tenant for the loss of the benefit.

Remedy for
improper
termination

53.—(1) In addition to liability to a prosecution under section 123 for knowingly furnishing false information to the Commission, where, on the application of a former tenant, the Commission determines that the tenant vacated the rental unit as a result of an application to terminate under section 51 or 52 and that the landlord or, in the case of an application under clause *b* of subsection 1 of section 51, the purchaser, did not in good faith require the rental unit for the purpose specified in the application to terminate, the Commission may make an order,

- (a) requiring the landlord or the purchaser to pay the tenant's reasonable moving expenses to his new accommodation;
- (b) requiring the landlord or the purchaser to compensate the tenant for any additional reasonable expenses incurred by the tenant, including, for a period of up to twelve months, any increased rent that the tenant was obliged to pay as a result of the improper termination.

Presumption

- (2) Unless proven otherwise, it shall be presumed that,
 - (a) a landlord, in the case of an application to terminate under clause *a* of subsection 1 of section 51; or
 - (b) a purchaser, in the case of an application to terminate under clause *b* of subsection 1 of section 51,

did not in good faith require the rental unit for the purpose specified in the application to terminate unless the rental unit is occupied in accordance with the purpose specified in the application within ninety days of the date specified for termination in the application.

Tenants of
educational
institutions,
employers or
condominiums

54. Where, on the application of a landlord, the Commission determines that,

- (a) a tenant, who as a student or staff member was provided by an educational institution with living accommodation that is not exempt from this Act, has ceased to meet the qualifications required for occupancy of the living accommodation;
- (b) a tenant was an employee of an employer who provided the tenant with a rental unit during his employment and his employment has terminated; or
- (c) a tenancy arose because of or in connection with an agreement of purchase and sale, entered into in good faith, of a proposed unit within the meaning of *The Condominium Act, 1978* and the agreement of purchase and sale has been terminated, 1978, c. 84

the Commission may make an order terminating the tenancy and evicting the tenant on a date specified by the Commission.

55.—(1) Where, on the application of a landlord, the Commission determines that a tenant of subsidized public housing is not in need of subsidized public housing, the Commission may make an order terminating the tenancy and evicting the tenant on a date specified by the Commission.

(2) Where, on the application of a landlord, the Commission determines that,

- (a) a tenant of subsidized public housing is not in need of the particular subsidized public housing he occupies; and
- (b) the tenant is in need of subsidized public housing of some kind,

the Commission may make an order terminating the tenancy and evicting the tenant on a date specified by the Commission, but the Commission may refuse to make the order unless the tenant is permitted to occupy another rental unit that is subsidized public housing.

56. Where, on the application of a federal, provincial or municipal authority, the Commission determines that a rental unit must be vacated in order to comply with an order by a federal, provincial or municipal authority, the Commission may make an order terminating the tenancy

and evicting the tenant on a date which is reasonable in all the circumstances.

Where rental unit made uninhabitable, etc.

57.—(1) Where a tenancy agreement has become impossible to perform because the rental unit or residential complex has been made uninhabitable by fire, flood or other occurrence, or where the tenancy agreement has been otherwise frustrated, the tenancy shall be deemed to have been terminated on the date performance became impossible or the tenancy agreement was otherwise frustrated.

Application of R.S.O. 1970, c. 185

(2) *The Frustrated Contracts Act* applies to a tenancy that has been terminated under subsection 1.

Abandonment or surrender

58.—(1) Where a tenant abandons or surrenders a rental unit, the tenancy agreement is terminated on the date the rental unit was abandoned or surrendered, but in the case of abandonment the tenant remains liable, subject to section 27 (landlord's duty to minimize losses), to compensate the landlord for loss of future rent that would have been payable under the tenancy agreement.

Compensation for loss of future rent

(2) Where, on the application of a landlord, the Commission determines that a tenant has abandoned a rental unit, the Commission may make an order requiring the tenant to pay to the landlord the compensation for which the tenant is liable by reason of subsection 1.

Termination of caretaker's tenancy

59.—(1) Despite any other provision of this Act, where a landlord has entered into a tenancy agreement in respect of a caretaker's unit, unless otherwise agreed, the tenancy of the tenant is terminated on the day on which his employment is lawfully terminated and the tenant shall vacate the caretaker's unit not later than one week after his employment is lawfully terminated.

No rent or compensation

(2) A landlord shall not charge or receive any rent or compensation from the tenant in respect of the period of one week mentioned in subsection 1.

Remedy against caretaker who overholds

(3) Where, on the application of a landlord, the Commission determines that a tenant has failed to vacate the premises as required by subsection 1, the Commission may make an order evicting the tenant on the earliest reasonable date.

PART V

NOTICE OF RENT INCREASES

Notice of rent increase

60.—(1) A landlord shall not increase the rent for a rental unit unless he gives the tenant a notice in the prescribed

form setting out his intention to increase the rent and the amount of the increase, expressed both in dollars and as a percentage of the current rent, intended to be made not less than ninety days before the end of,

- (a) a period of the tenancy; or
- (b) the term of a tenancy for a fixed period.

(2) An increase in rent by the landlord where the landlord has not given the notice required by subsection 1 is void. Increase void where no notice

(3) Subsections 1 and 2 do not apply to a rent increase for a rental unit where the rent increase is intended to take effect when a new tenant first occupies the rental unit under a new tenancy agreement. Notice unnecessary for new tenant

(4) Where a tenancy agreement for a rental unit that is not subject to rent review under Part XI provides that the tenant shall pay all, part of, or any increase in, Taxes and utility charges where unit not subject to rent review

- (a) the taxes attributable to the rental unit; or
- (b) the utility charges or heating charges attributable to the rental unit,

and the taxes, utility charges or heating charges are increased, the notice required by subsection 1 need not be given and the increase shall be deemed not an increase under this Act.

(5) Unless a tenancy agreement specifically provides otherwise, a promise by a tenant to pay taxes shall be deemed not to include an obligation to pay taxes assessed for local improvements. Taxes deemed not to include local improvement charges

61.—(1) Where a tenant who has been given a notice of an intended rent increase under section 60 fails to give the landlord proper notice of termination, he shall be deemed to have accepted, Where tenant fails to give notice of termination

- (a) where the amount of the rent increase is not subject to rent review under Part XI,
 - (i) the amount of the rent increase specified in the notice of the landlord, or
 - (ii) such other rent increase as may be agreed upon in writing between the landlord and the tenant; or

- (b) where the amount of the rent increase is subject to rent review under Part XI, the amount of rent increase that does not exceed the amount allowed under that Part.

Deemed acceptance not to constitute waiver of tenant's rights

(2) The deemed acceptance by a tenant of an increase in rent in the case mentioned in clause *b* of subsection 1 does not constitute a waiver of the tenant's right to take whatever proceedings are available to him under this Act for the review of rent increases.

PART VI

TENANT'S PERSONAL PROPERTY

Tenant may remove fixtures

62.—(1) A tenant may, during the time he occupies the rental unit, remove any property belonging to him which is attached to the rental unit, provided that he repairs, or compensates the landlord for, any damage done to the rental unit that results from the installation or removal of the property.

Disputes

(2) On the application of a landlord or a tenant, the Commission may determine whether a tenant is entitled to remove property under subsection 1 and may make an order,

- (a) permitting or prohibiting the removal of property;
- (b) requiring the tenant to repair, or compensate the landlord for, any damage done to the rental unit.

Abandoned personal property

63.—(1) Unless a landlord and tenant have made a specific agreement providing for the storage of personal property, where a tenant leaves personal property in a rental unit or residential complex that he has vacated or abandoned, the landlord may remove the personal property and, on removal, shall store and dispose of the personal property in accordance with this section.

Worthless, etc. property

(2) Where a landlord has good reason to believe that an item of personal property removed under subsection 1,

- (a) would be unsanitary or unsafe to store; or
- (b) is worthless,

the landlord may dispose of the item.

(3) Where a landlord removes personal property other than property described in subsection 2, he shall, at the earliest reasonable opportunity, give the Commission an inventory in the prescribed form of the property and, where the address of the tenant is known to the landlord, he shall give the tenant a copy of the inventory. Landlord to give inventory

(4) Where, after receiving the inventory, the Commission determines that an item of personal property in the inventory could not be sold for an amount greater than the reasonable cost of removing, storing and selling it, the Commission may permit the landlord to sell or dispose of the item in the manner and subject to the terms and conditions set by the Commission. Property of little value

(5) Property that has not been disposed of or sold under subsection 2 or 4 shall, subject to the direction of the Commission, be stored in a safe place and manner for a period of not less than sixty days. Remaining property to be stored

(6) Where the tenant or owner of an item of personal property stored by the landlord pays the landlord the cost of removing and storing the item, the landlord shall give the item to the tenant or owner and notify the Commission. Where property to be returned

(7) Where no person has taken possession of an item of personal property stored under subsection 5 during the sixty days referred to in that subsection, the Commission may permit the landlord to sell or dispose of the item in the manner and subject to the terms and conditions set by the Commission. Sale of unclaimed property

(8) Where a landlord sells an item of personal property under subsection 4 or 7, he may, subject to the terms and conditions set by the Commission under those sections, Proceeds of sale

- (a) retain that part of the proceeds of the sale necessary to reimburse him for the reasonable costs of removing, storing and selling the property; and
- (b) retain that part of the proceeds of the sale necessary to satisfy any order for compensation made in his favour by the Commission or a court, where the order was made regarding the tenancy agreement or this Act,

and shall pay the balance to the Commission, who shall hold the balance for one year for the tenant who left the personal property in the rental unit or residential complex.

Report on
sale

(9) Where a landlord sells an item of personal property under subsection 4 or 7, he shall give to the Commission a written report in the prescribed form regarding the sale and the distribution of the proceeds of the sale.

Unclaimed
proceeds
forfeited to
Crown

(10) Where the Commission does not receive a claim in respect of the balance within the one-year period referred to in subsection 8, the amount not claimed shall be forfeited to the Crown.

Purchaser in
good faith
acquires good
title

(11) A purchaser in good faith of an item of personal property of the tenant sold in accordance with subsection 4 or shall be deemed to have acquired good title to the property, free and clear of any other interest.

Substantial
compliance
protects
landlord

(12) Where a landlord substantially complies with this section, he is not liable to the tenant or any other person for loss suffered by the tenant or other person as a result of the storage, sale or other disposition by the landlord of the abandoned personal property.

Remedies for
wrongful
sale, etc.

(13) Where, on the application of a person claiming to be the owner of an item of personal property, the Commission determines that the landlord has wrongfully sold, disposed of or otherwise dealt with the item of personal property, the Commission may make an order,

(a) requiring the landlord to compensate the owner for the wrongful sale, disposition or dealing; or

(b) requiring the landlord to give the property to the owner.

PART VII

MOBILE HOMES

Tenant's right
to sell, etc.

64.—(1) A landlord shall not restrict in any way the right of a tenant to sell, lease, or otherwise part with the possession of a mobile home owned by the tenant.

Where mobile
home and site
both
transferred

(2) Where a person obtains possession of a mobile home owned by a tenant while it is situate in a mobile home park and also obtains an assignment or subletting under section 16 of the site that is the rental unit, that person shall be entitled to all the benefits of a tenant or sub-tenant in the mobile home park.

Landlord as
agent for
sale, etc.

(3) A landlord shall not receive any compensation for acting as the agent of the tenant in any negotiations to sell,

lease or otherwise part with possession of a mobile home situate in a mobile home park, except under a written agency contract, entered into after the decision of the tenant to sell, lease or otherwise part with possession of the mobile home.

(4) Where, on the application of a tenant or any other person affected, the Commission determines that the landlord has breached an obligation imposed by this section, the Commission may make an order, Remedies

- (a) requiring the landlord to comply with his obligation;
- (b) requiring the landlord to not breach his obligation again;
- (c) requiring the landlord to compensate the tenant for loss suffered as a result of the breach.

65.—(1) A landlord shall not make any charge in respect of, Certain charges prohibited

- (a) the entry of a mobile home into a mobile home park;
- (b) the exit of a mobile home from a mobile home park;
- (c) the installation of a mobile home in a mobile home park;
- (d) the removal of a mobile home from a mobile home park; or
- (e) the granting of a tenancy in a mobile home park,

except a sum to compensate the landlord for his reasonable expenses arising out of the installation or removal of a mobile home.

(2) Where, on the application of a landlord or a tenant, the Commission determines that money is payable to the landlord or to the tenant by reason of subsection 1, the Commission may make an order requiring the money to be paid. Remedy

66.—(1) Except as provided in this section, a landlord shall not restrict in any way the right of a tenant to purchase goods or services from the person of his choice. Restraint of trade prohibited

Standards
for
equipment

(2) A landlord may set reasonable standards for mobile home equipment.

When
tradesman
may be
prohibited
from entry

(3) Where a tradesman has,

- (a) unduly disturbed the peace and quiet of the mobile home park;
- (b) failed to observe reasonable rules of conduct that have been established by the landlord; or
- (c) violated the traffic rules of the mobile home park,

despite a request by the landlord to discontinue the conduct, the landlord may restrict or prohibit the entry of the tradesman into the mobile home park.

Remedies

(4) Where, on the application of a tenant, the Commission determines that the landlord has breached the obligation imposed by this section, the Commission may make an order,

- (a) requiring the landlord to comply with his obligation;
- (b) requiring the landlord to not breach his obligation again;
- (c) requiring the landlord to compensate the tenant for loss suffered as a result of the breach.

Additional
obligations
of landlord

67.—(1) A landlord is responsible for,

- (a) providing or ensuring the complete removal or disposal of garbage in the mobile home park at least once each week;
- (b) grading and maintaining all roads in the mobile home park so that the roads are in a good state of repair;
- (c) clearing snow from mobile home park roads to maintain, as much as possible, the same width of passage on the roads at all times throughout the year;
- (d) maintaining the plumbing, sewage, fuel and electrical systems in the mobile home park in a good state of repair;
- (e) maintaining the mobile home park grounds and all buildings, structures, enclosures and equipment in-

tended for the common use of the tenants in a good state of repair and cleanliness; and

- (f) the repair of damage to the tenant's property caused by the wilful or negligent conduct of the landlord.

(2) Where, on the application of a tenant, the Commission determines that the landlord has breached an obligation imposed by this section, the Commission may make an order, Remedies

- (a) requiring the landlord to comply with his obligation;
- (b) requiring the landlord to not breach his obligation again;
- (c) authorizing any action by the tenant that has been taken or is to be taken to remedy the effects of the landlord's breach and requiring the landlord to pay any reasonable expenses associated with the action;
- (d) requiring the landlord to compensate the tenant for loss that has been or will be suffered as a result of the breach;
- (e) terminating the tenancy on a date specified by the Commission where the breach of obligation is so substantial that the continuation of the tenancy would be unfair to the tenant and requiring the landlord to pay all or part of the tenant's reasonable expenses in moving his mobile home to another site.

68.—(1) A tenant who is the owner of a mobile home situate on a rental unit is responsible for maintaining the exterior portion of the mobile home in a good state of repair and cleanliness. Obligations of tenant

(2) Where, on the application of a landlord or a tenant, the Commission determines that a tenant has breached the obligation imposed by this section, the Commission may make an order, Remedies

- (a) requiring the tenant to comply with his obligation;
- (b) requiring the tenant to not breach his obligation again;

- (c) terminating the tenancy and evicting the tenant on a date specified by the Commission.

Termination
by landlord
for own use
or for
demolition

69.—(1) Where a landlord of a mobile home park makes an application to the Commission under section 51 or 52, the landlord shall make every reasonable effort to find an alternative site of similar character, convenience and cost to which the tenant may move his mobile home or in which the tenant may purchase, lease or otherwise obtain the use of a mobile home.

Where no
order to be
made

(2) The Commission shall not make an order terminating a tenancy in a mobile home park and evicting a tenant under section 51 or 52 unless the Commission is satisfied that the landlord has complied with subsection 1.

Moving
expenses

(3) Where a tenancy of a site in a mobile home park is terminated under section 30, 51 or 52, the Commission may make an order requiring the landlord to pay all or part of the tenant's reasonable expenses in moving his mobile home to another site.

PART VIII

RESIDENTIAL TENANCY COMMISSION

Commission
established

70. A commission to be known as the Residential Tenancy Commission is hereby established.

Composition
of
Commission

71. The Commission shall be composed of such number of Commissioners as the Lieutenant Governor in Council determines.

Term of
office

72. The Commissioners shall be appointed by the Lieutenant Governor in Council to hold office for a term not exceeding five years and may be reappointed for further successive terms of five years each.

Removal
for
cause

73.—(1) A Commissioner may be removed from office during his term only for misbehaviour or for inability to perform his duties properly and only if,

- (a) the circumstances respecting the misbehaviour or inability are first inquired into; and
- (b) the Commissioner is given reasonable notice of the time and place for the inquiry and is afforded an opportunity, by himself or his counsel, of being heard and of cross-examining the witnesses and of producing evidence on his own behalf.

(2) For the purpose of making an inquiry under sub-section 1, the Lieutenant Governor in Council may appoint a judge of the Supreme Court who shall make the inquiry and report thereon, and a judge so appointed has, for that purpose, the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. Inquiry
1971, c. 49

(3) An order removing a Commissioner from office under this section may be made by the Lieutenant Governor in Council and the order and the report of the inquiry shall be laid before the Legislative Assembly if it is in session or, if not, within fifteen days after the commencement of the next ensuing session. Order
for
removal

74. Each Commissioner shall devote his full time and attention to the work of the Commission. Commissioners
full time

75.—(1) Each Commissioner shall be paid such remuneration and be afforded such benefits as are fixed by the Lieutenant Governor in Council and shall in addition be reimbursed for his reasonable travelling or out-of-pocket expenses necessarily incurred by him in the discharge of his duties. Remunera-
tion

(2) *The Public Service Superannuation Act* and *The Superannuation Adjustment Benefits Act, 1975*, apply to the Commissioners. Application of
R.S.O. 1970,
c. 387, 1975,
c. 82

76. The Lieutenant Governor in Council shall appoint as Appeal Commissioners such number of Commissioners as the Lieutenant Governor in Council determines. Appeal
Commissioners

77.—(1) The administration of the affairs of the Commission shall be vested in a Board of Commissioners, to be composed of such Commissioners as the Lieutenant Governor in Council designates. Board
of
Commissioners

(2) Five members of the Board of Commissioners, of whom one shall be the Chief Tenancy Commissioner or his designate, constitute a quorum. Quorum

78.—(1) One of the members of the Board of Commissioners shall be designated by the Lieutenant Governor in Council as Chief Tenancy Commissioner, who shall be chairman of the Board and chief administrative officer of the Commission. Chief
Tenancy
Commissioner

(2) Where the Chief Tenancy Commissioner is unable to carry out his duties because of absence or illness, the Minister may Absence or
illness of Chief
Tenancy
Commissioner

appoint another member of the Board of Commissioners to act as Chief Tenancy Commissioner until the Chief Tenancy Commissioner returns to duty, but an appointment under this section shall not be made for a period of longer than six months.

Staff

79.—(1) The Commission may, subject to the approval of the Lieutenant Governor in Council, establish job classifications, terms and conditions of employment, salary ranges and other benefits for its officers and employees and may appoint, employ and promote its officers and employees in conformity with the classifications, terms and conditions, salary ranges and benefits so approved.

Application of
R.S.O. 1970,
c. 387, 1975,
c. 82

(2) *The Public Service Superannuation Act* and *The Superannuation Adjustment Benefits Act, 1975*, apply to the employees of the Commission as though the Commission were a commission designated by the Lieutenant Governor in Council under section 27 of the first mentioned Act.

Professional,
technical and
other
assistance

80. The Commission may engage persons other than those appointed under section 79 to provide professional, technical or other assistance to the Commission and may prescribe the duties and other terms of engagement and provide for payment of the remuneration and expenses of such persons.

Duties of
Commission

81. The Commission shall,

- (a) perform the duties assigned to it by or under this Act and shall administer this Act and the regulations;
- (b) periodically review this Act and the regulations and recommend from time to time amendments or revisions thereof;
- (c) advise and assist the public on all residential tenancy matters including referral where appropriate to social services and public housing agencies;
- (d) take an active role in ensuring that landlords and tenants are aware of the benefits and obligations established by this Act;
- (e) periodically prepare and publish a summary of significant decisions of the Commission and the reasons therefor.

Policy
guidelines,
etc.,
available
to public

82. All policy guidelines and procedural manuals issued by the Commission which may be used in making determina-

tions under this Act shall be made available for examination by the public.

83. No action or other proceeding for compensation or damages shall be instituted against the Commission, any Commissioner, or any member of the Commission staff, for any act done in good faith in the performance or intended performance of any duty or in the exercise or the intended exercise of any power under this Act or a regulation, or for any neglect or default in the performance or exercise in good faith of such duty or power.

Immunity of Commission for acts done in good faith

84.—(1) Subject to subsections 3 to 8, the Commission has exclusive jurisdiction to examine into, hear and determine all matters and questions arising under this Act and as to any matter or thing in respect of which any power, authority or discretion is conferred upon the Commission.

Exclusive jurisdiction of Commission

(2) The Commission may determine,

Commission may determine application of Act, etc.

(a) whether this Act applies to a particular living accommodation; and

(b) the rental units, common areas, services and facilities included in a particular residential complex.

(3) The Commission shall not make an order for the payment of money where the amount claimed by any party to the application is in excess of \$3,000, but nothing in this subsection prevents the Commission from arbitrating a dispute and enforcing a decision under section 85 or directing the payment of any rent to the Commission in respect of an amount in excess of \$3,000.

No order where amount claimed by party over \$3,000

(4) Where, under this Act, a person claims a sum of money in excess of \$3,000, he may institute proceedings therefor in any court of competent jurisdiction.

Court jurisdiction

(5) Where, under subsection 4, proceedings are instituted in a county or district court, the court may, where the sum of money claimed is within the monetary jurisdiction of the court in a contract action, hear and determine the matter.

County or district court

(6) Despite the institution of proceedings in court for the recovery of money, unless the court stays proceedings before the Commission on the grounds that it would not be practicable or would be unfair to any party to continue the proceedings before the Commission, which stay the court is hereby empowered to make, the Commission may hear and determine, and may make an order respecting, all aspects of the

Commission proceedings not ordinarily stayed

matters in dispute that do not depend on the determination of the claim for money.

Commission
entitled to
be heard
before stay
ordered

(7) The court shall not order a stay of proceedings before the Commission under subsection 6 without first affording the Commission an opportunity to be heard and to make representations to the court on the matter.

Court
jurisdiction
where
Commission
proceedings
stayed

(8) Where the court orders that proceedings before the Commission be stayed, the court may hear and determine all matters in dispute and may exercise all of the authority of the Commission in that regard and may make any order or decision that the Commission might have made.

Arbitration by
Commission

85.—(1) Where a dispute concerning a residential tenancy is not within the jurisdiction of the Commission, the Commission may, with written consent of all parties to the dispute, arbitrate the dispute and in that case the decision of the Commission is final and binding on all parties to the dispute.

Enforcement
of decision

(2) The decision of the Commission under subsection 1 shall be deemed to be an order of the Commission for the purposes of enforcement.

Non-applica-
tion of
R.S.O. 1970,
c. 25

(3) Where the Commission acts as arbitrator under subsection 1, *The Arbitrations Act* does not apply.

Minister may
establish
regions

86. The Minister may, by order, establish regions in Ontario for the purposes of this Act.

Proceedings
in region

87. An application to the Commission may only be made, and all proceedings before the Commission shall be held, in the region in which the residential complex in question is situate, unless the parties otherwise agree in writing or the Commission otherwise directs.

Payment of
Commission's
expenses

88. All expenses incurred and expenditures made by the Commission in the conduct of its affairs shall, until the 31st day of March, 1980, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of moneys appropriated therefor by the Legislature.

Commission
may charge
fee for
copies of
documents,
etc.

89. The Commission may charge a fee in the prescribed amount for furnishing to any person, at his request, copies of forms, notices or documents filed with or issued by the Commission, including policy guidelines and procedural manuals.

90. The accounts of the Commission shall be audited by the Provincial Auditor or under his direction by an auditor appointed by the Lieutenant Governor in Council for that purpose, and the salary and remuneration of the auditor so appointed shall be paid by the Commission as part of its administrative expenses.

Audit of
Commission's
accounts

91.—(1) The Commission shall at the close of each year file with the Minister an annual report upon the affairs of the Commission.

Annual
report

(2) The Commission shall make such further reports to the Minister and provide him with such information as the Minister may from time to time require.

Further
reports

(3) The Minister shall submit the reports to the Lieutenant Governor in Council and shall then lay the reports before the Assembly if it is in session or, if not, at the next ensuing session.

Tabling of
reports

PART IX

PROCEDURE

GENERAL

92. The Commission shall adopt the most expeditious method of determining the questions arising in any proceeding that affords to all persons affected by the proceedings an adequate opportunity to know the issues and be heard on the matter.

Commission
to adopt
expeditious
procedures

93.—(1) Every decision of the Commission shall be upon the real merits and justice of the case.

Decision to
be on merits
and justice

(2) In determining the real merits and justice of the case, the Commission shall ascertain the real substance of all transactions and activities relating to the residential complex and the good faith of the participants and in doing so,

Commission
to ascertain
substance of
transactions
and
activities,
etc.

(a) may disregard the outward form of the transactions or the separate corporate existence of the participants; and

(b) may have regard to the pattern of activities relating to the residential complex.

94. The offices of the Commission shall operate at times convenient to the public, including, where appropriate, evenings, statutory holidays and week-ends.

Commission
to operate at
convenient
times

MAKING OF APPLICATIONS AND
GIVING OF NOTICES

Who may
make
application

95.—(1) A person may make an application to the Commission as a landlord or as a tenant, provided he was a landlord or a tenant at the time the conduct giving rise to the application occurred.

Representa-
tive actions

(2) Where more than one person has a common interest in respect of an application to the Commission, the Commission may authorize one or more of those persons to represent all those persons and any order made by the Commission may be made applicable to all.

Form of
application

96.—(1) An application to the Commission shall be made in the prescribed form and shall be signed by the person making the application or his agent.

Where name
of occupant
not known

(2) Where an application is brought against an occupant and the name of the occupant is not known to the person bringing the application, the name of the occupant may be shown in the application as "occupant" and any proceedings may be taken against, and all orders shall be binding on, the person occupying the rental unit as if the occupant had been correctly named.

Where name
of landlord
not known

(3) Where an application is brought against a landlord and the name of the landlord is not known to the person bringing the application, the name of the landlord may be shown in the application as "landlord" and any proceedings may be taken against, and all orders shall be binding on, the landlord as if he had been correctly named.

Extension of
time for
application
or appeal

97. The Commission may, whether or not the time for making an application to, or filing a notice of appeal with, the Commission has expired and where it is of the opinion that it would not be unfair to do so, extend the time for the making of the application to, or the filing of the notice of appeal with, the Commission.

Landlord
must give
copy of
application to
tenant, etc.

98.—(1) Where a landlord makes an application to the Commission, the landlord shall promptly give a copy of the application to any tenant, sub-tenant or occupant who, at the time the application is made, is directly affected by the issues raised in the application.

Tenant must
give copy of
application to
landlord, etc.

(2) Where a tenant makes an application to the Commission, the tenant shall promptly give a copy of the application to the

landlord, and, where the application is made under section 20 (overholding sub-tenant) or 68 (tenant's obligation to repair mobile home), to any tenant, sub-tenant or occupant who, at the time the application is made, is directly affected by the issues raised in the application.

(3) Where a person other than a landlord or a tenant makes an application to the Commission, the person making the application shall promptly give a copy of the application to the landlord and any tenant, sub-tenant or occupant who, at the time the application is made, is directly affected by the issues raised in the application. Other applicant must give copy of application to landlord, etc.

(4) The Commission shall, on request, give written directions concerning the giving of copies of an application, and compliance with the directions of the Commission shall be deemed to be compliance with this section. Commission may give written directions

99.—(1) Where this Act permits or requires a notice or document to be given to a person, the notice or document is sufficiently given by, Method of giving notice, etc.

(a) handing it to the person, or,

(i) where the person is a landlord, to any employee of the landlord exercising authority in respect of the residential complex, or

(ii) where the person is a tenant, sub-tenant or occupant, to an apparently adult person in the rental unit;

(b) leaving it in the mail box where mail is ordinarily delivered to the person; or

(c) sending it by mail to the address where the person resides or carries on business.

(2) Where a notice or document is given by mail, it shall be deemed to have been given on the fifth day after mailing, excluding Saturdays and holidays. Where notice given by mail

(3) Despite the other provisions of this section, the Commission may, in writing, direct a notice or document to be given in any other manner. Commission may give written directions

(4) Despite the other provisions of this section, a notice or document shall be deemed to have been validly given Actual notice is sufficient

where it is proven that the contents of the notice or document actually came to the attention of the person for whom the notice or document was intended.

Parties to
application

100. The parties to an application are the person making the application, any person entitled to receive a copy of the application and any person added as a party by the Commission.

Changing
parties;
amending
applications

101. Where, in any proceedings under this Act, the Commission is of the opinion that,

- (a) a person who should have been included as a party has not been included as a party or that a party has been incorrectly named, the Commission shall, unless it would be unfair to do so, require that the person be substituted or added as a party to the proceedings, or be correctly named;
- (b) a person who has been included as a party should not be included as a party, the Commission shall require that the person be removed as a party to the proceedings; or
- (c) an amendment to the application is justified and fair, the Commission may direct the application be amended accordingly.

PROCEDURE OF COMMISSION

Commission
to mediate

102.—(1) Where an application has been made to the Commission, other than an application under section 126 (whole building rent review), the Commission shall enquire into the matter and shall assist the parties to the proceeding in attempting to settle the matter by agreement.

Frivolous or
vexatious
applications,
etc.

(2) The Commission may refuse to accept any application or to continue any proceeding, where in its opinion, the matter is trivial, frivolous, vexatious or has not been initiated in good faith.

Withdrawing
application

(3) An applicant may withdraw an application at any time before an order is made, but where the application is made under section 126, the application may only be withdrawn with the consent of the Commission.

Decision
to hold
hearing

103.—(1) Where an application is made under section 126 or where the Commission has enquired into the matter and is of the opinion that,

(a) it is unlikely that the parties to a proceeding will be able to settle the matter by agreement; or

(b) the urgency of having the matter resolved requires that a determination be made,

the Commission shall notify the parties and hold a hearing.

(2) A hearing under subsection 1 shall be held before a Commissioner and the Commissioner may exercise any of the powers of the Commission and an order of the Commissioner shall be deemed to be the order of the Commission.

Hearing to be before one Commissioner

(3) A Commissioner is not disqualified from holding a hearing and determining a matter by reason only of the fact that,

Commissioner not disqualified by reason of mediating, etc.

(a) he attempted to assist the parties to the proceeding in settling the matter by agreement; or

(b) he took part in an inquiry or inspection related to the dispute.

104.—(1) Where several different applications have been made to the Commission, and the Commission is of the opinion that it would be appropriate to determine the issues raised by the applications together, the Commission may hear and determine the issues in dispute at a common hearing.

Issues may be heard together

(2) Where the Commission is of the opinion that it would be appropriate to deal with some of the issues raised by an application at separate hearings, the Commission may direct that some of the issues be dealt with separately and may set additional hearing dates for the determination of those issues.

Issues may be heard separately

105.—(1) *The Statutory Powers Procedure Act, 1971* applies to proceedings by the Commission in the exercise of a statutory power of decision.

Application of 1971, c. 47

(2) The giving to a party of a copy of an application to the Commission shall be deemed to be compliance with section 8 of *The Statutory Powers Procedure Act, 1971*.

Deemed compliance 1971, c. 47

106. All parties to a proceeding under this Act are entitled to examine, and the Commission shall make available for examination, all material filed with the Commission relevant to the proceeding.

Parties may examine material

Commission
to question
parties, etc.

107. At the hearing, the Commission shall question the parties who are in attendance at the hearing and any witnesses, with a view to determining the truth concerning the matters in dispute.

Commission
may
investigate, etc.

108. The Commission may, before or during a hearing,

- (a) conduct any inquiry or inspection it considers necessary; and
- (b) question any person, by telephone or otherwise, concerning the dispute.

Commission
may consider
all relevant
information

109. In making its determination, the Commission may consider any relevant information obtained by the Commission in addition to the evidence given at the hearing, provided that it first informs the parties of the additional information and gives them an opportunity to explain or refute it.

Making of
order
applied for

110.—(1) After holding a hearing, and having regard to all the circumstances, where the Commission is satisfied that one or more orders that have been applied for is justified, it shall make that order or those orders.

Making of
other orders

(2) After holding a hearing and having regard to all the circumstances, where the Commission is satisfied that another order that could have been applied for is justified, it may make that other order.

Terms and
conditions

(3) The Commission may include in any order terms and conditions it considers proper in all the circumstances.

MATTERS RELATED TO COMMISSION ORDERS

Where
unfairness
will prevent
eviction

111. Where an application has been made by a landlord for an eviction order, the Commission shall refuse to make the eviction order where the Commission is satisfied, having regard to all the circumstances, that it would be unfair to evict the tenant.

Compensation
for
overholding

112.—(1) A landlord is entitled to compensation for the use and occupation of a rental unit by a tenant after his tenancy has been terminated.

Eviction
order to include
order for
compensation
for overholding

(2) Where the Commission makes an eviction order, it shall make an order requiring the tenant to compensate the

landlord for the use and occupation of the rental unit calculated for each day the tenant remains in occupation following the termination of the tenancy.

(3) Where a landlord obtains an order under subsection 2 or section 49 requiring a tenant to compensate him for the use and occupation of the rental unit, the landlord may, within thirty days of the date the tenant ceased to occupy the rental unit, file with the Commission a copy of the order and a statement in the prescribed form setting out the number of days that the tenant remained in occupation following the termination of the tenancy, and the Commission shall calculate the final amount due under the order and shall add a statement to the order setting out the final amount, which statement shall comprise a part of the order.

Settlement
of order
for
compensation
for
overholding

(4) The acceptance by the landlord of arrears of rent or compensation for use or occupation of the rental unit after a tenancy has been terminated does not operate as a waiver of the termination or as a reinstatement of the tenancy or as the creation of a new tenancy unless the parties so agree.

Payment
by overholding
tenant does
not
reinstate
tenancy

(5) Where a tenant does not give up occupancy of the rental unit after his tenancy has been terminated and a person brings proceedings against the landlord to enforce a right to occupy the rental unit occupied by the tenant, the tenant is liable to the landlord for any compensation that the landlord is required to pay as a result of the tenant's failure to give up occupancy, and the landlord may add the tenant as a third party in the proceedings.

Liability of
overholding
tenant

113.—(1) Where under section 29 (vital services) or 43 (failure of landlord to comply with Commission order) the Commission directs a tenant to pay to the Commission all or part of his rent that would otherwise be payable to the landlord or where a tenant has paid all or part of his rent to the Commission under subsection 6 of section 28 (landlord's responsibility to repair), the Commission may pay from the rent it receives such amount as the Commission considers necessary for the following purposes:

Use of
money where
rent paid to
Commission

1. To pay the tenant for any action authorized under clause c of subsection 4 of section 28 or clause c of subsection 2 of section 67.
2. To restore, or prevent the discontinuance of, the supply of a vital service.

(2) Where the rent received by the Commission exceeds the sum of,

Excess
paid to
landlord

- (a) any amount paid under subsection 1; and

- (b) the amount that in the opinion of the Commission is necessary to ensure compliance by the landlord with an order of the Commission or a court,

the Commission shall pay the excess to the landlord.

Periodic
review of
need to
hold rent

(3) Where the Commission is holding rent to ensure compliance by the landlord with an order of the Commission or a court, the Commission shall, on the request of the landlord, or in any event not less often than once a month, review the necessity of continuing to hold the rent.

Payment of
interest to
Treasurer

(4) Interest earned on moneys held by the Commission shall be paid to the Treasurer of Ontario.

Where tenant
may deduct
compensation
from rent

114.—(1) Where the Commission makes an order requiring a landlord to compensate a tenant, the Commission may make an order that the tenant recover the compensation by deducting a specified sum from his rent for a specified number of rent payment periods.

Where
compensation
to landlord may
be paid in
instalments

(2) Where the Commission makes an order requiring a tenant to compensate a landlord, the Commission may make an order permitting the tenant to pay the compensation by paying a specified sum together with his rent for a specified number of rent payment periods.

Lump sum
payments

(3) The Commission may, on the application of the landlord or the tenant, rescind an order made under subsection 1 or 2, and may order that any compensation still owing be paid in a lump sum.

Enforcement
of order for the
payment of
money

115.—(1) A certified copy of an order of the Commission for the payment of money may be filed with the Supreme Court or with a county or district court and, on being filed, the order has the same force and effect and all proceedings may be taken on it, as if it were a judgment of that court.

Variation
of order

(2) Where an order filed under subsection 1 is rescinded or varied, upon filing in accordance with subsection 1, the order or decision rescinding or varying the order previously made,

- (a) if the order or decision rescinds the order previously made, the order previously made ceases to have effect for the purposes of subsection 1; or
- (b) if the order or decision varies the order previously made, the order previously made as so varied may

be enforced in a like manner as an order or decision filed under subsection 1.

116.—(1) An order evicting a tenant, sub-tenant or occupant may be filed with the county or district court and, on being filed, has the same force and effect and all proceedings may be taken on it, as if it were an order of that court, and the clerk of the court shall issue a writ of possession. When writ of possession may issue

(2) An employee of the Commission may be appointed as a sheriff's officer and may obtain the assistance of one or more police officers for the purpose of enforcing writs of possession. Enforcement of writ of possession

APPEALS

117.—(1) Any party to an application who took part in the hearing may, within fifteen days of receiving the decision or order of a Commissioner, appeal the decision or order by filing a notice of appeal in the prescribed form with the Commission and promptly giving a copy of the notice, Appeal from order of Commissioner

(a) where a tenant is appealing a decision or order resulting from an application under section 126 (whole building rent review), to the landlord;

(b) where a landlord is appealing a decision or order resulting from an application under section 126, to the tenant of each rental unit in respect of which the appeal is brought; and

(c) in all other cases, to all other parties to the application who took part in the hearing.

(2) Despite the fact that a person did not appear at the hearing, he may apply to a member of the Board of Commissioners for permission to appeal and the member of the Board may, in his discretion, permit the person to appeal upon such terms and conditions as the member of the Board considers just. Permission to appeal

(3) The parties to the appeal are the person appealing, any person entitled to receive a copy of the notice of appeal and any person added as a party by the Commission. Parties to appeal

(4) Where a notice of appeal is filed under subsection 1, the Commissioner who made the order or decision being appealed Reasons to be given by Commissioner

shall, where he has not already done so, prepare reasons for the decision or order and give a copy of the reasons to each party to the appeal.

Findings
of fact
considered
true unless
objection
made

(5) The findings of fact set out in the reasons for the decision or order being appealed may be taken to be true unless, within seven days of the filing of the notice of appeal or receipt of a copy thereof, or within seven days of receiving the reasons, whichever is later, a party to the appeal files a statement in the prescribed form with the Commission and gives a copy of the statement to all other parties to the proceeding setting out,

- (a) the findings of fact set out in the reasons with which he disagrees; and
- (b) any facts he intends to prove at the hearing of the appeal that were not set out in the reasons.

Limitation of
evidence on
appeal

(6) At the hearing of the appeal, the introduction of evidence shall, unless the appeal panel otherwise directs, be limited to proving facts,

- (a) with which a party to the appeal has disagreed in a statement filed under subsection 5; or
- (b) which a party to the appeal has stated, in a statement filed under subsection 5, he intends to prove.

Composition
of appeal
panel

(7) The appeal shall be heard before an appeal panel composed of two Appeal Commissioners and one member of the Board of Commissioners, none of whom took part in the making of the decision or order being appealed.

Powers of
appeal panel

- (8) After the hearing of the appeal, the appeal panel may,
- (a) affirm the decision or order of the Commissioner; or
 - (b) make any decision or order that a Commissioner is authorized to make under this Act, and for such purposes the appeal panel may substitute its opinion for that of the Commissioner.

Appeal panel
may rehear
appeal

(9) The appeal panel may decide on its own motion to rehear an appeal where in its opinion there has been a serious error, and at such rehearing, the appeal panel may confirm, rescind, amend or replace any decision or order previously made.

Order of appeal
panel deemed
order of
Commission

(10) A decision or order of the appeal panel shall be deemed to be the decision or order of the Commission.

118.—(1) Any party to an appeal under section 117 may, ^{Appeal to Divisional Court} on a question of law, appeal a decision or order of the Commission to the Supreme Court.

(2) An appeal under subsection 1 shall be by way of ^{Appeal to be heard on case} stated case and the Commission shall, after service of the notice of appeal in accordance with the rules of the Supreme Court, upon the request of the person appealing, state a case in writing to the Supreme Court setting out the material facts found by the Commission and the grounds on which the decision or order is questioned.

(3) The Commission is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. ^{Commission entitled to be heard on appeal}

(4) Where a case is stated under subsection 2, the Supreme Court shall hear and determine the appeal and may, ^{Powers of Divisional Court}

(a) affirm, rescind, amend or replace the decision or order;

(b) cause the case to be sent back to the Commission for amendment and deliver judgment after it has been amended; or

(c) remit the matter to the Commission with the opinion of the Supreme Court,

and may make,

(d) any other order in relation to the matter that it considers proper; and

(e) any order, with respect to costs, that it considers proper.

119. Unless otherwise ordered by,

^{Certain orders not stayed pending appeal}

(a) where an appeal is taken under section 117, a member of the Board of Commissioners; or

(b) where an appeal is taken under section 118, a judge of the Supreme Court,

an appeal from an order made under any of the following provisions does not stay the order pending the hearing of the appeal:

1. Subsection 1 of section 17.
2. Subsection 2 of section 20.
3. Clause *a* of subsection 3 of section 25.
4. Clause *c* or *e* of subsection 4 of section 28.
5. Clause *a*, *d* or *e* of subsection 2 of section 29.
6. Subsection 4 of section 29.
7. Clause *a* or *d* of subsection 2 of section 30.
8. Clause *a* of subsection 3 of section 31.
9. Clause *a* or *c* of subsection 2 of section 36.
10. Clause *e* of subsection 2 of section 37.
11. Clause *a* or *d* of subsection 3 of section 38.
12. Section 39.
13. Clause *c* of subsection 2 of section 41.
14. Clause *b* of subsection 2 of section 42.
15. Section 43 or 44.
16. Clause *a* of section 49.
17. Section 50.
18. Subsection 1 of section 51.
19. Subsection 1 of section 52.
20. Section 54.
21. Section 56.
22. Subsection 3 of section 59.
23. Clause *a* of subsection 2 of section 62.
24. Clause *b* of subsection 13 of section 63.
25. Clause *a* of subsection 4 of section 64.
26. Clause *c* or *e* of subsection 2 of section 67.

PART X

MISCELLANEOUS

120. The Lieutenant Governor in Council may make Regulations regulations,

- (a) prescribing, for the purposes of section 131, matters in respect of which the Commission may make findings;
- (b) exempting from Part XI rental units the monthly rental for which is \$750 or more;
- (c) prescribing fees for the purposes of section 89;
- (d) prescribing the form of assignments and subletting agreements and consents thereto;
- (e) prescribing the form of a notice of rent increase for the purposes of section 60;
- (f) prescribing the form of an inventory and of a written report for the purposes of section 63,
- (g) prescribing the form of an application to the Commission;
- (h) prescribing the form of a notice of appeal for the purposes of subsection 1 of section 117;
- (i) prescribing the form of a statement for the purposes of subsection 5 of section 117;
- (j) prescribing the form of a statement for the purposes of subsection 3 of section 112;
- (k) prescribing anything that by this Act may be prescribed.

121. Substantial compliance with the requirements of this Act respecting the contents of forms, notices or documents is sufficient unless the Commission is of the opinion that it would result in unfairness to any person.

Substantial compliance with forms, etc., sufficient

122. Any person may, without let or hindrance, organize or participate in an association the purpose of which is to secure and enforce the rights established by this Act.

Right to organize or participate in association

Offences

123.—(1) Any person who,

- (a) knowingly fails to obey an order of the Commission;
- (b) knowingly furnishes false information in any application, report or statement to the Commission under this Act or in any proceedings before the Commission;
- (c) knowingly breaches an obligation imposed upon him by subsection 1 or 2 of section 25 (changing of locks), subsection 1 of section 26 (right to privacy), subsection 1 of section 29 (withholding vital services), subsection 1 of section 31 (seizure of tenant's property), subsection 1 of section 32 (posting notice of legal name of landlord), subsection 1 or 2 of section 35 (entry of political canvassers); or
- (d) harasses a tenant for the purpose of forcing the tenant to vacate or abandon a rental unit,

and every director or officer of a corporation who knowingly concurs in the prohibited act is guilty of an offence and on summary conviction is liable to a fine not exceeding \$2,000.

Where
corporation
convicted

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000, and not as provided therein.

PART XI

RENT REVIEW

Only one
rent increase
per year

124. The rent charged for a rental unit shall not be increased more often than once in any twelve-month period.

Maximum
permitted
rent increase
without
application

125. Unless otherwise authorized under this Act, no landlord shall increase the rent charged for a rental unit by more than 6 per cent of the last rent that was charged for an equivalent rental period.

Application
by landlord

126.—(1) Where a landlord desires to increase the rent charged for a rental unit by more than the percentage referred to in section 125, he may apply to the Commission for an order permitting him to do so, whether or not the rental unit is the subject of a tenancy agreement at the time of application.

(2) When the landlord applies to the Commission for an order under subsection 1, he shall, as part of the same application, apply for a determination of the rents that may be charged for all of the rental units in the residential complex in which the units are situate when such units are rented or re-rented during the twelve-month period following the effective date of the first rent increase applied for, whether or not those units are the subject of tenancy agreements at the time of application. Whole building review

(3) An application under this section shall state the reasons for the intended increases and shall be made not less than sixty days before the effective date of the first intended rent increase that exceeds the percentage referred to in section 125. Reasons for and time of application

(4) Where an application is made under this section, the landlord shall, not later than fourteen days before the date of the hearing of the application, file with the Commission all the material on which he intends to rely in support of his application, but the Commission may direct the landlord to file additional material and the hearing shall not commence or proceed until the other parties have had an opportunity to examine the additional material. Filing of material

127.—(1) A tenant who desires to dispute any intended rent increase for his rental unit may apply to the Commission for an order requiring the landlord to reduce the amount of the rent increase. Application by tenant

(2) Subsection 1 does not apply to a rent increase that results in a rent not exceeding the maximum approved by the Commission for the applicable rental unit. Exception

(3) An application under this section shall be made not less than sixty days before the effective date of the intended rent increase. Time for application

128. Where a rental unit that has not been rented during the previous twelve-month period then becomes rented, the rent then charged shall form the basis for determining whether subsequent rent increases exceed the percentage referred to in section 125, provided that the rent charged is comparable to the average rent charged for similar rental units in the residential complex. Where vacant unit becomes rented

129.—(1) No tenant is liable to pay any rent increase in excess of that permitted to be charged under this Part. Tenant not liable to pay illegal rent increase

(2) Where, on the application of a tenant, the Commission determines that the tenant has paid an amount of rent that Remedy

1975.
(2nd Sess.)
c. 12

is in excess of that permitted by this Part or by *The Residential Premises Rent Review Act, 1975 (2nd Session)*, the Commission shall order that the landlord pay the excess to the tenant and shall declare the rent that may lawfully be charged.

Commission
may hear
application
under s. 126
although
notice of
rent increase
not yet given

130. Where under section 126 a landlord applies to the Commission for a determination of the rents that may be charged for all rental units in a residential complex, the Commission is empowered to hear the application and to determine the rent that may be charged for each rental unit despite the fact the landlord may not have, in respect of any rental unit, given notice under section 60 (notice of rent increase), but nothing in this section relieves the landlord from compliance with section 60.

Commission
determination
of total
rent increase

131.—(1) Where an application is made by a landlord under section 126, the Commission shall determine the total rent increase for the residential complex that is justified by,

- (a) the findings of the Commission concerning operating costs, financing costs and capital expenditures that the landlord has experienced or will experience in respect of the residential complex;
- (b) the findings of the Commission concerning a financial loss that the landlord has experienced or will experience in respect of the residential complex;
- (c) the findings of the Commission concerning an improvement or deterioration in the standard of maintenance and repair of the residential complex or any rental unit located therein;
- (d) the findings of the Commission concerning matters prescribed by the regulations.

Limitation on
consideration
of financing
costs

(2) In reaching its findings concerning financing costs under clause *a* of subsection 1, the Commission shall consider increases in financing costs resulting from the landlord's purchase of the residential complex only to the extent necessary to prevent a financial loss by the landlord.

Relief of
hardship

(3) When the total rent increase for the residential complex has been determined under subsection 1, if the resulting gross revenue does not exceed the costs found under clause *a* of subsection 1 by at least 2 per cent, the Commission may, where it considers it necessary to relieve the landlord from hardship, allow the landlord the additional revenue required to raise the gross revenue to not more than 2 per cent above the costs found.

(4) In apportioning the total rent increase determined under subsections 1 and 3 amongst the rental units in the residential complex, the Commission may take into account the following matters:

Apportionment
of total rent
increase

1. The rent schedule proposed by the landlord in his application.
2. Variations, and the reasons therefor, in the rents being charged by the landlord for similar rental units within the residential complex.
3. Rents and variations in the rents being charged by other landlords for similar rental units situate in similar residential complexes within the same geographical vicinity.

(5) Where the Commission has determined and apportioned the total rent increase under this section,

Order setting
maximum
rent chargeable
for each unit

- (a) the Commission shall make an order setting the maximum rent that may be charged for each rental unit that is under review and the date the rents may take effect; and
- (b) the Commission may order the landlord or tenant to pay to the other any sum of money that is owed to the other by reason of the decision of the Commission in setting the maximum rent for a rental unit.

132.—(1) Where an application is made by a tenant under section 127, in determining a rent increase for the rental unit, the Commission shall, except where there has been an application under section 126 (whole building rent review), consider only the following matters:

Considerations
where tenant
applies

1. Variations, and the reasons therefor, in the rents being charged by the landlord for similar rental units within the residential complex.
2. Rents being charged by other landlords for similar rental units situate in similar residential complexes within the same geographical vicinity.
3. An improvement or deterioration shown to have occurred in the standard of maintenance and repair that affects the rental unit.

(2) Where the Commission has made a determination on the application,

Order setting
maximum
rent chargeable
for the unit

- (a) the Commission shall make an order setting the maximum rent that may be charged for the rental unit under review; and
- (b) the Commission may order the landlord or tenant to pay to the other any sum of money that is owed to the other by reason of the decision of the Commission setting the maximum rent for the rental unit.

Rent
chargeable
until order
takes effect

133. Where a notice of an intended rent increase has been given under section 60, a rent increase up to the lesser of,

- (a) the intended rent increase specified in the notice; and
- (b) the limit imposed by section 125,

may be charged and collected by the landlord until such time as the Commission's order setting the maximum rent that may be charged for the rental unit takes effect.

Exemptions

134.—(1) The following rental units are exempt from this Part:

- (a) a rental unit situate in a residential complex owned, operated or administered by or on behalf of the Government of Canada or Ontario or a municipality, including a regional, district or metropolitan municipality, or any agency thereof;
- (b) a rental unit situate in a non-profit housing project, rents for which are subject to the approval of the Government of Canada or Ontario or a municipality, including a regional, district or metropolitan municipality, or any agency thereof, or situate in a non-profit co-operative housing project as defined in the *National Housing Act* (Canada);
- (c) a rental unit situate in a building, no part of which was occupied as a rental unit before the 1st day of January, 1976;
- (d) a rental unit that is a mobile home or mobile home site that was not occupied as a rental unit before the 1st day of January, 1976;
- (e) a rental unit the monthly rental for which is \$750 or more, if the Lieutenant Governor in Council has,

R.S.C. 1970,
c. N-10

by regulation made after the 31st day of December, 1979, exempted such premises from the provisions of this Part;

(f) a rental unit not otherwise exempt from this Act that is provided by an educational institution to a student or member of its staff except that, where there is a council or association representing the residents, the exemption does not apply in respect of a rent increase unless there has been consultation with the council or association respecting the increase;

(g) a rental unit situate in a residential complex owned, operated or administered by a religious institution for a charitable use on a non-profit basis.

(2) This Part does not apply to a rent increase to a tenant in subsidized public housing who is occupying a rental unit other than a unit referred to in clause *a* or *b* of subsection 1, but this Part does apply to the unit itself.

(3) Where a landlord, by reason of the existence of depressed economic conditions in a local municipality, designated by order of the Minister, reduces a tenant's rent, and thereafter, not sooner than twelve months after the reduction took effect, desires to increase the rent, the landlord may increase the rent to,

(a) the maximum rent that could have been charged by the landlord for the rental unit at the date of the intended increase without applying to the Commission under section 126 had the rent not been decreased; or

(b) the current maximum rent previously established by the Commission on an application made under section 126.

PART XII

REPEALING AND TRANSITIONAL

135.—(1) The title to *The Landlord and Tenant Act*, being chapter 236 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

The Commercial Tenancies Act

(2) Clause *c* of section 1 of the said Act, as re-enacted by the Statutes of Ontario, 1975 (2nd Session), chapter 13, section 1, is repealed.

Subsidized
public
housing

Application
of Part in
economically
depressed
municipality

R.S.O. 1970,
s. 236, title
re-enacted

R.S.O. 1970,
c. 236, s. 1 (c),
repealed

R.S.O. 1970,
c. 236, s. 2,
re-enacted

(3) Section 2 of the said Act is repealed and the following substituted therefor.

Application
1979, c. ...

2. This Act does not apply to tenancies and tenancy agreements to which *The Residential Tenancies Act, 1979*, applies.

Pt. IV
(ss. 81-116),
repealed

(4) Part IV of the said Act, as amended by the Statutes of Ontario, 1972, chapter 123, and 1975 (2nd Session) chapter 13, sections 2 to 4, subsection 1 of section 5 and sections 6 to 10, is repealed.

R.S.O. 1970,
c. 223,
s. 2,
amended

136.—(1) Section 2 of *The Innkeepers Act*, being chapter 223 of the Revised Statutes of Ontario, 1970, is amended by striking out “boarding-house keeper or lodging-house keeper”, “boarder or lodger” and “boarding house or lodging house” where those expressions occur.

s. 3,
amended

(2) Section 3 of the said Act is amended by striking out “boarding-house keeper, lodging-house keeper” and “boarding house, lodging house” where those expressions occur.

s. 7,
amended

(3) Section 7 of the said Act is amended by striking out “lodging-house keeper or boarding-house keeper” where that expression occurs.

Notice
of rent
increase

137. For a period of six months following the day section 60 of this Act comes into force, a notice that before the repeal of Part IV of *The Landlord and Tenant Act* would have complied with subsection 1 of section 115 of that Act, shall be deemed to be sufficient notice for the purposes of subsection 1 of section 60 of this Act.

Application
of Part XI

138. Part XI applies only to applications made in respect of rent increases intended to take effect on and after the 1st of December, 1979.

Transitional
on repeal of
R.S.O. 1970,
c. 236,
Part IV

139.—(1) Where, before the day the repeal of Part IV of *The Landlord and Tenant Act* takes effect,

(a) circumstances arise that give grounds for making an application under Part IV of *The Landlord and Tenant Act*; or

(b) an application is made under Part IV of *The Landlord and Tenant Act*,

then despite the repeal of Part IV by section 135 of this Act, Part IV of that Act continues in force for the purposes of and applies to,

(c) making an application in the case mentioned in clause *a* and hearing and making orders in respect of that application or in respect of an application mentioned in clause *b*, and appeals from such orders; and

(d) enforcing orders made under Part IV of that Act,

and Parts I to X of this Act do not apply to applications made or entitled to be made under Part IV of *The Landlord and Tenant Act* by reason of this section.

(2) This Act applies to tenancies under tenancy agreements entered into or renewed before and subsisting on the day this Act comes into force or entered into on or after that day. Application to existing tenancies

140. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

141. The short title of this Act is *The Residential Tenancies Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 22 1979

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

SCHEDULE

STANDARD RESIDENTIAL
TENANCY AGREEMENT

INSTRUCTIONS FOR LANDLORD AND TENANT

IF YOU HAVE ANY QUESTIONS CONCERNING THIS TENANCY AGREEMENT OR YOUR RIGHTS AND OBLIGATIONS UNDER *THE RESIDENTIAL TENANCIES ACT, 1979*, YOU ARE INVITED TO ASK THE RESIDENTIAL TENANCY COMMISSION FOR ASSISTANCE. THE COMMISSION HAS BEEN ESTABLISHED TO ADVISE AND ASSIST THE PUBLIC ON ALL RESIDENTIAL TENANCY MATTERS. IN ADDITION, THE COMMISSION HAS POWER TO MEDIATE AND DECIDE DISPUTES BETWEEN LANDLORDS AND TENANTS.

This is the Standard Residential Tenancy Agreement, established under *The Residential Tenancies Act, 1979*. This agreement is applicable to all residential tenancies in Ontario.

The agreement must be signed by both the landlord and the tenant, or their agents.

Two copies of the agreement must be completed, one of which is to be given to the tenant.

No part of the tenancy agreement may be altered or deleted, but additional benefits and obligations may be added.

TENANCY AGREEMENT

This tenancy agreement is made between:

_____, the landlord
Name

Address

Telephone

— and —

Name(s)

_____, the tenant.

Rental
Unit

1. The landlord will rent to the tenant and the tenant will rent from the landlord the following rental unit:

Apt. No. Street Name and Number

(or other
appropriate
description)

City, Town, etc.

Postal Code

2. COMPLETE EITHER (a) OR (b) AND CHECK (✓) WHICH IS APPLICABLE:

Nature
and
Duration
of
Tenancy

- ☐ (a) The tenancy is for a fixed term beginning on the _____

day of _____, 19____ and ending on the

_____ day of _____, 19____. (The tenancy

will then automatically renew as a monthly tenancy unless terminated under *The Residential Tenancies Act, 1979*);

- ☐ (b) The tenancy is periodic (e.g. weekly, monthly, etc.)

beginning on the _____ day of _____,

19____ and running from _____

(week to week, month to

month, etc., as the case may be)

3. (a) The rent for the rental unit is \$_____ per _____ Rent
(week, month,

_____, payable in advance
etc., as the case may be)

for the duration of the tenancy. The first payment is

\$_____ (pro-rated as necessary) and thereafter \$_____ per

_____, payable on the
(week, month, etc., as the case may be)

_____ day of every _____
(week, month, etc., as the case may be)

Rent payments are to be made to _____
(Name and address

where payment to be made)

- (b) The rent mentioned above includes payment for all services and facilities (e.g. parking, utilities, appliances, etc.) promised by the landlord, including:

Provision of the following services and facilities is the
responsibility of the tenant: _____

Rent
Deposit

4. THIS PROVISION IS OPTIONAL. CHECK THE BOX
(✓) IF THE PROVISION IS TO APPLY: ☐

(a) The tenant agrees to pay the landlord a rent deposit

in the amount of \$ —, which will be applied only
in payment of rent for the period immediately
preceding the termination of the tenancy.

(b) The landlord will pay annually to the tenant interest
on the rent deposit at the rate of 9 per cent per year.

The interest will be paid on _____
of each year. (Insert date)

Residential
Tenancies
Act

5. The landlord and the tenant promise to comply with all
obligations imposed on them by *The Residential Tenancies
Act, 1979*.

Additional
Obligations

6. The landlord and the tenant promise to comply with any
additional obligations set out below.

(NOTE: *Additional benefits and obligations cannot conflict
with The Residential Tenancies Act, 1979, and where an
obligation concerns the tenant's use, occupancy or maintenance
of the rental unit or residential complex or use of services and
facilities provided by the landlord, the obligation cannot be
enforced unless it is reasonable in all the circumstances*).

Reasonable
Rules

7. The tenant promises to comply with the rules concerning
the tenant's use, occupancy or maintenance of the rental
unit or residential complex or use of services and facilities
provided by the landlord that are set out below and as may,
from time to time, be established or modified by the
landlord, provided that the rules are in writing, made
known to the tenant and reasonable in all the circumstances.

Signature of Landlord or authorized agent

Date

Signature of Tenant(s)

With regard to paragraphs 6 and 7 of this tenancy agreement, the landlord and tenant are referred to section 6 of *The Residential Tenancies Act, 1979* which provides:

6.—(1) In addition to the benefits and obligations contained in the form of tenancy agreement set out in the Schedule, a landlord and tenant may provide in a written tenancy agreement for other benefits and obligations which do not conflict with this Act, but where an obligation concerns the tenant's use, occupancy or maintenance of the rental unit or residential complex or use of services and facilities provided by the landlord, the obligation cannot be enforced unless it is reasonable in all the circumstances.

Additions
to standard
form

(2) A landlord shall not establish or modify, nor can he enforce, rules concerning the tenant's use, occupancy or maintenance of the rental unit or residential complex or use of services and facilities provided by the landlord unless they are in writing, made known to the tenant and reasonable in all the circumstances.

House
rules to be
reasonable

(3) Unless shown to be otherwise, for the purposes of this section, a rule or obligation is reasonable where it is,

Where rule
reasonable

(a) intended to,

- (i) promote fair distribution of services and facilities to the occupants of the residential complex,
- (ii) promote the safety or welfare of persons working or residing in the residential complex, or
- (iii) protect the landlord's property from abuse;

(b) reasonably related to the purpose for which it is intended;

(c) applicable to all tenants in a fair manner; and

(d) sufficiently clear in its prohibition, direction or limitation of the tenant's conduct to inform him of what he must do or must not do in order to comply with it.

Determination
of
reasonableness

(4) A landlord or a tenant may apply to the Commission to determine whether a rule or obligation is reasonable in all the circumstances.

Where
compliance
order not to
issue

(5) Where the Commission determines that the tenant has breached the obligation imposed by subsection 1 of section 40 (compliance with additional obligations), no order shall be made under clause *a* or *b* of subsection 4 of section 40 unless the Commission is of the opinion that the breach has resulted in damage beyond ordinary wear and tear to the rental unit or residential complex or unreasonable interference with,

(*a*) the safety; or

(*b*) the enjoyment for all usual purposes by the landlord or any tenant or members of their households,

of the residential complex or any rental unit.

An Act to reform the Law
respecting Residential Tenancies

1st Reading

March 6th, 1979

2nd Reading

March 6th, 1979

3rd Reading

June 21st, 1979

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

5
BILL 164 *Antoine G. G. H.*

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Assessment Act

THE HON. L. MAECK
Minister of Revenue

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 164

1979

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 33 of *The Assessment Act*, being chapter 32 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 33 (5).
re-enacted

(5) The assessment of pipe lines in each municipality determined under subsection 4 shall be adjusted by the application of the equalization factor in use in the municipality for the year 1978 pursuant to section 71. Adjustment of
assessment

- 2.—(1) Subsection 1 of section 86 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 65, section 1 and amended by 1977, chapter 56, section 1 and 1978, chapter 73, section 1, is further amended, s. 86 (1).
amended

(a) by striking out “and” at the end of clause *d* as inserted by the 1978 amendment;

(b) by adding “and” at the end of clause *e*; and

(c) by striking out all that part of the subsection immediately following clause *e* and inserting in lieu thereof,

(f) subject to subsection 2, the assessment roll of a municipality to be returned in the year 1979 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1978 for taxation in the year 1979 as amended, added to or otherwise altered up to the date when the assessment roll for taxation in the year 1980 is returned,

provided that where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned for the year 1974, 1975, 1976, 1977, 1978 or 1979 is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

s. 86.
amended

- (2) The said section 86 is amended by adding thereto the following subsection:

Equalization of
assessment
within a
municipality

(3) Where the Minister considers that, within any class or classes of real property in a municipality, any parcel or parcels of real property are assessed inequitably with respect to the assessment of any other parcel or parcels of real property of that class, he may, if so requested by a resolution of the council of such municipality, direct that such changes be made in the assessment to be contained in the assessment roll next to be returned in that municipality as will, in his opinion, eliminate or reduce inequalities in the assessment of any class or classes of real property, and the Minister may, for that purpose, make regulations,

- (a) prescribing standards and procedures to be used for the purpose of equalizing and making equitable the assessments of all real property belonging to the same class in the municipality;
- (b) prescribing the classes of real property into which the real property in the municipality shall be divided for the purpose of this subsection;
- (c) providing that any equalization of assessment pursuant to clause *a* shall not alter, as between classes of real property in the municipality, the relative level of assessment at market value previously existing between or among such classes, or providing that the equalization shall alter such levels of assessment at market value no more than is reasonably necessary to provide equity of assessment within each class; or
- (d) providing that an equalization pursuant to clause *a* shall not, except so far as is necessary to give effect to section 43, section 87 or subsection 2 of this section, alter the proportion that the municipal tax attributable to a class of real property for the year in which the equalization is directed to be made is of the total municipal tax for that year.

3. Section 95 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 73, section 2, is repealed and the following substituted therefor: s. 95.
re-enacted

95. Section 90 ceases to be in force on the 16th day of December, 1980, but shall continue in force for the purpose of any pending complaint, appeal, proceeding or action which will affect taxes for the years 1971 to and including 1980. Application

4. Subsection 1 of section 96 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 73, section 3, is repealed and the following substituted therefor: s. 96 (1).
re-enacted

(1) Subject to section 97, subsection 6 of section 33 continues to be not in force and remains inoperative until the 1st day of January, 1980. Application

5. Subsection 2 of section 97 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 161, section 2 and amended by 1975 (2nd Session), chapter 2, section 3, 1977, chapter 56, section 4 and 1978, chapter 73, section 4, is further amended by striking out "1980", as inserted in the third line by the 1978 amendment, and inserting in lieu thereof "1981". s. 97 (2).
amended

6. Subsection 3 of section 47 of *The Power Corporation Act*, being chapter 354 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 73, is further amended by striking out "used in that year" in the eleventh line and inserting in lieu thereof "used in the year 1978". R.S.O. 1970.
c. 354. s. 47 (3).
amended

- 7.—(1) This Act, except sections 1 to 6, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 1, subsection 2 of section 2 and sections 4 and 6 shall be deemed to have come into force on the 1st day of January, 1979 and apply in respect of any assessment made on or after the 1st day of January, 1979 for taxation in the year 1979 or any following year, and for greater certainty it is declared that Ontario Regulations 82/79 and 133/79 are deemed to have been made and authorized pursuant to subsection 3 of section 86 of *The Assessment Act*. Idem

(3) Subsection 1 of section 2 and sections 3 and 5 come into force on the 1st day of December, 1979. Idem

8. The short title of this Act is *The Assessment Amendment Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV 30 1979

Rodney Lewis

An Act to amend
The Assessment Act

1st Reading

November 6th, 1979

2nd Reading

November 27th, 1979

3rd Reading

November 30th, 1979

THE HON. L. MAECK
Minister of Revenue

Pauline G. McLaughlin
BILL 165

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend
The Corporations Tax Act, 1972

THE HON. L. MAECK
Minister of Revenue

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 165

1979

An Act to amend The Corporations Tax Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 167 of *The Corporations Tax Act, 1972*, being chapter 143, as amended by the Statutes of Ontario, 1973, chapter 157, section 32 and 1977, chapter 58, section 25, is repealed and the following substituted therefor:

167.—(1) All taxes, interest, penalties, costs and other amounts imposed under this or any predecessor Act in respect of any taxation year of a corporation are, upon the registration by the Minister in the proper land registry office of a notice claiming the first lien and charge conferred by this section, a first lien and charge upon real property in Ontario or any interest therein of the corporation liable to pay such taxes, interest, penalties, costs and other amounts.

s. 167.
re-enacted

Lien upon
real
property
in respect
of taxes
and other
amounts
imposed

(2) The first lien and charge conferred by subsection 1 is in respect of all taxes, interest, penalties, costs and other amounts for which the corporation is liable at the time of registration of the notice and all taxes, interest, penalties, costs and other amounts for which the corporation becomes liable thereafter while the notice remains registered, and such first lien and charge has priority over all encumbrances or claims registered or attaching to the subject property subsequent to the registration of the notice.

Amounts
included
and
priority

(3) Any property of any kind that is, by virtue of any predecessor of this section, subject to a first lien and charge that is not registered in the proper land registry office, is absolutely discharged from such unregistered first lien and charge unless, in the case of real property, in any proceeding a claim has been made or other steps taken by the Minister with respect to such unregistered first lien and charge and, prior to the 31st day of January, 1980, a notice of such first lien and charge has been registered by the Minister in the proper land registry office.

Unregistered
liens
discharged

Where
corporation
is not a
registered
owner

(4) Where a corporation has an interest in real property but is not shown as the registered owner thereof in the proper land registry office,

(a) the notice to be registered under subsection 1 shall recite the interest of the corporation in the real property; and

(b) a copy of the notice registered under subsection 1 shall be sent to the registered owner at his address to which the latest notice of assessment under *The Assessment Act* has been sent.

R.S.O. 1970.
c. 32

Leasehold
interests

(5) In this section, "real property" includes any interest of a corporation as lessee of real property.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

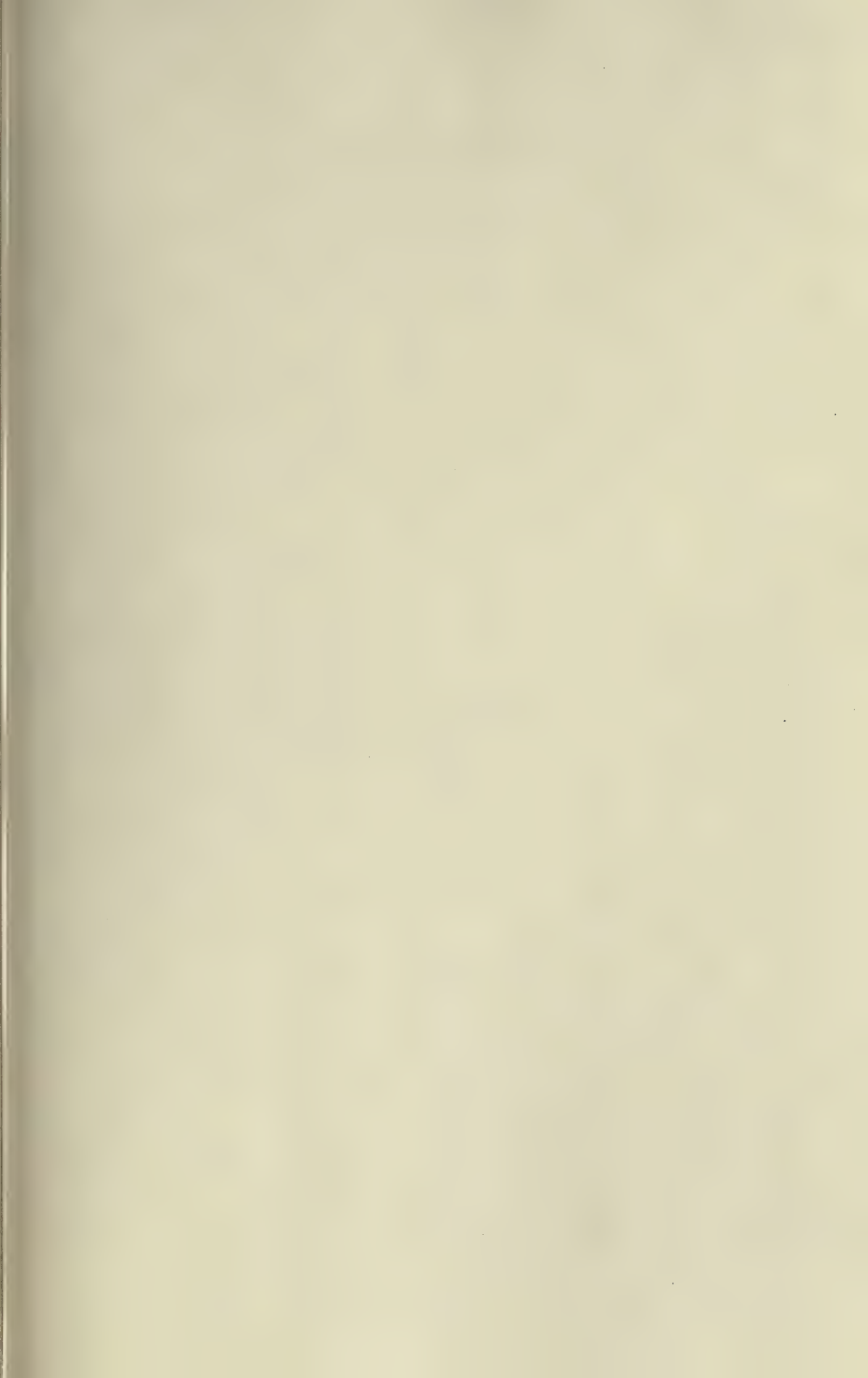
Short title

3. The short title of this Act is *The Corporations Tax Amendment Act* 1979.

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV 30 1979

Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY



An Act to amend
The Corporations Tax Act, 1972

1st Reading

November 6th, 1979

2nd Reading

November 27th, 1979

3rd Reading

November 29th, 1979

THE HON. L. MAECK
Minister of Revenue

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Education Act, 1974

THE HON. B. M. STEPHENSON
Minister of Education and Minister of
Colleges and Universities

BILL 170

1979

An Act to amend The Education Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 19 of subsection 1 of section 147 of *The Education Act*, 1974, being chapter 109, is repealed and the following substituted therefor: s. 147 (1),
par. 19.
re-enacted

19. invest moneys not required immediately by the board in, idem

- i. bonds, debentures or other evidences of indebtedness of, or guaranteed by, the Government of Canada or the Province of Ontario, or any other province of Canada,
- ii. debentures, notes or guaranteed investment certificates of or term deposits with any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*, R.S.O. 1970,
c. 254
- iii. term deposits, deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued, accepted, guaranteed or endorsed by any chartered bank to which the *Bank Act* (Canada) applies, R.S.C. 1970,
c. B-2
- iv. promissory notes of a municipality as defined in *The Municipal Affairs Act*, and promissory notes of a metropolitan municipality, a regional municipality, the District Municipality of Muskoka and the County of Oxford, and R.S.O. 1970,
c. 118
- v. term deposits accepted by a credit union as defined in *The Credit Unions and Caisses Populaires Act*, 1976, 1976, c. 62

provided that the investments become due and payable by the day on which the moneys are required by the

board, and all interest thereon shall be credited to the fund from which the moneys are invested.

s. 205 (1) (d).
re-enacted

2. Clause *d* of subsection 1 of section 205 of the said Act is repealed and the following substituted therefor:

(d) may provide for expenditures for permanent improvements and for an allocation to a reserve fund, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii and iii of paragraph 33 of subsection 1 of section 1 and any sum allocated to a reserve fund do not exceed,

(i) for secondary school purposes, an amount that would increase the sum that would be required to be raised by levy for secondary school purposes in the school division if no such provision for expenditures and allocation were made, by an amount calculated at one mill in the dollar upon the total of the equalized assessments of the municipalities and localities in the school division, and

(ii) for public school purposes, an amount that would increase the sum that would be required to be raised by levy for public school purposes in the school division if no such provision for expenditures and allocation were made, by an amount calculated at one mill in the dollar upon the total of the equalized assessments of the property rateable for public school purposes in the municipalities and localities in the school division; and

s. 215 (1).
par. 1.
amended

3.—(1) Paragraph 1 of subsection 1 of section 215 of the said Act is amended by striking out “90” in the first line and inserting in lieu thereof “85”.

s. 215 (1).
par. 4.
amended

(2) Paragraph 4 of subsection 1 of the said section 215 is amended by striking out “90” in the second line and inserting in lieu thereof “85”.

Commence-
ment

4.—(1) This Act, except sections 2 and 3, comes into force on the day it receives Royal Assent.

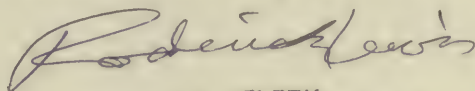
Idem

(2) Sections 2 and 3 come into force on the 1st day of January, 1980.

Short title

5. The short title of this Act is *The Education Amendment Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC. 20 19 79

A handwritten signature in dark ink, appearing to read "Roden Lewis". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Education Act, 1974

1st Reading

November 9th, 1979

2nd Reading

December 3rd, 1979

3rd Reading

December 6th, 1979

THE HON. B. M. STEPHENSON
Minister of Education and
Minister of Colleges and Universities

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend
The Ontario Municipal Improvement Corporation Act

THE HON. F. S. MILLER
Treasurer of Ontario and Minister of Economics

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 171

1979

An Act to amend The Ontario Municipal Improvement Corporation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Ontario Municipal Improvement Corporation Act*, being chapter 325 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause:

s. 1.
amended

(aa) "school board" means a board as defined in paragraph 3 of subsection 1 of section 1 of *The Education Act, 1974*. 1974, c. 109
2. Subsection 1 of section 3 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 77, section 1, is further amended by striking out "and" at the end of clause *b*, by adding "and" at the end of clause *c* and by adding thereto the following clause:

s. 3 (1).
amended

(d) to purchase from any municipality in Ontario, including a metropolitan, regional or district municipality or from any school board, debentures issued by it for school board undertakings.
3. Subsection 1, as amended by the Statutes of Ontario, 1974, chapter 77, section 2, and subsection 2 of section 9 of the said Act, are repealed and the following substituted therefor:

s. 9 (1, 2).
re-enacted

 - (1) The Corporation, with the approval of the Lieutenant Governor in Council and subject to the regulations, may from time to time purchase,

Purchase of
municipal or
school board
debentures

 - (a) from any municipality in Ontario in a category mentioned in section 3, debentures issued by the municipality for any of the purposes mentioned in section 3; and
 - (b) from any school board, debentures issued by it for school board undertakings.
 - (2) The Corporation shall not purchase any municipal or school board debentures under the authority of this Act until,

Approval and
validation
required

R.S.O. 1970.
c. 323

(a) the Ontario Municipal Board has issued its order pursuant to section 64 of *The Ontario Municipal Board Act* authorizing the municipality or school board to proceed with the work or undertaking with respect to which the debentures are required; and

(b) the municipality or school board has had the debentures validated by the Ontario Municipal Board under sections 58 to 60 of *The Ontario Municipal Board Act*.

s. 10.
re-enacted

4. Section 10 of the said Act is repealed and the following substituted therefor:

Debentures
to rank
pari passu
R.S.O. 1970.
c. 390

10. Notwithstanding *The Public Utilities Act* or any other Act, every debenture of a municipality or school board purchased by the Corporation under the authority of this Act, with respect to payment of principal and interest thereon, ranks *pari passu* with all other debentures of that municipality or school board and the payment of principal and interest thereon.

s. 15 (b-f).
amended

5. Clauses *b, c, d, e* and *f* of section 15 of the said Act are amended by inserting after "municipalities" wherever it occurs in those clauses "or school boards".

Commence-
ment

6. This Act comes into force on the 1st day of January, 1980.

Short title

7. The short title of this Act is *The Ontario Municipal Improvement Corporation Amendment Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR. DEC. 20 1979

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Ontario Municipal Improvement
Corporation Act

1st Reading

November 9th, 1979

2nd Reading

December 4th, 1979

3rd Reading

December 6th, 1979

THE HON. F. S. MILLER
Treasurer of Ontario and
Minister of Economics

BILL 172

Pauline G. G. G. G.

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Municipality of Metropolitan Toronto Act**

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 35a of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1974, chapter 42, section 5 and amended by 1976, chapter 72, section 1, is further amended by adding thereto the following subsection:
 - (1a) Where a person obtains water from a private water-works system and discharges the water into the Metropolitan sewer system or a sewer system draining into the Metropolitan sewer system, the Metropolitan Council may by by-law charge a rate in respect of the water discharged. s. 35a.
amended
Rate on
discharge
into sewer
system
2. Clause c of subsection 1 of section 118 of the said Act is repealed and the following substituted therefor: s. 118 (1) (c).
re-enacted
 - (c) The Board of Education for the City of North York.

.
3. Clause b of subsection 2 of section 121 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 54, section 4, is repealed and the following substituted therefor: s. 121 (2) (b).
re-enacted
 - (b) three members of and appointed by The Board of Education for the City of North York.
4. Subclause v of clause g of subsection 1 of section 127 of the said Act is repealed and the following substituted therefor: s. 127 (1)
(g) (v).
re-enacted
 - (v) may provide for expenditures to be made out of current funds for permanent improvements as defined in paragraph 33 of subsection 1 of section

1974, c. 109

1 of *The Education Act, 1974*, provided that the expenditures for permanent improvement referred to in subparagraphs i, ii and iii of paragraph 33 of subsection 1 of the said section 1 do not exceed,

(A) for secondary school purposes, an amount that would increase the sum that would be required to be raised for such purposes by levy on assessment in the Metropolitan Area if no such provision for expenditures were made by an amount calculated at two mills in the dollar upon the total assessment in the Metropolitan Area, and

(B) for public school purposes, an amount that would increase the sum that would be required to be raised for such purpose by levy on assessment in the Metropolitan Area if no such provision for expenditure were made by an amount calculated at two mills in the dollar upon the assessment in the Metropolitan Area rateable for public school purposes,

according to the last revised assessment rolls.

s. 241,
amended

5. Section 241 of the said Act, as amended by the Statutes of Ontario 1977, chapter 37, section 4 and 1979, chapter 64, section 19, is further amended by adding thereto the following subsection:

Purchasing
or renting
machinery
R.S.O. 1970.
c. 284

(10) The Metropolitan Corporation is deemed to be and to have always been a municipality for the purposes of section 455 of *The Municipal Act*.

s. 251a,
enacted

6. The said Act is amended by adding thereto the following section:

Joint
liability
insurance

251a. The Metropolitan Corporation and one or more area municipalities may enter into agreements for obtaining insurance protecting the Metropolitan Corporation, the area municipalities or any of them, their respective local boards, the members of their respective councils and local boards, and officers and employees of such municipal corporations and local boards against risks that may involve loss or liability, and may establish and contribute to a fund in connection with such insurance on such terms and conditions as may be agreed.

Commence-
ment

- 7.—(1) This Act, except sections 2, 3 and 4, comes into force on the day it receives Royal Assent.

- (2) Sections 2 and 3 shall be deemed to have come into force on the ^{Idem} 14th day of February, 1979.
- (3) Section 4 comes into force on the 1st day of January, 1980. ^{Idem}
8. The short title of this Act is *The Municipality of Metropolitan* ^{Short title}
Toronto Amendment Act, 1979.

ASSENTED TO BY LIEUTENANT-GOVERNOR

NOV 30 19 79



CLERK
LEGISLATIVE ASSEMBLY

THE SECRETARY OF THE
LEGISLATIVE COUNCIL
OF THE GOVERNMENT OF THE
STATE OF NEW YORK
ALBANY, N. Y.

[Handwritten signature]

LEGISLATIVE COUNCIL

TO THE HONORABLE THE GOVERNOR
OF THE STATE OF NEW YORK
ALBANY, N. Y.

IN RESPONSE TO A RESOLUTION
PASSED BY THE SENATE
ON THE 10TH DAY OF JANUARY
1892.

THE SECRETARY OF THE
LEGISLATIVE COUNCIL
OF THE GOVERNMENT OF THE
STATE OF NEW YORK
ALBANY, N. Y.

An Act to amend
The Municipality of Metropolitan Toronto
Act

1st Reading

November 9th, 1979

2nd Reading

November 29th, 1979

3rd Reading

November 29th, 1979

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

Pauline G. G. S. H.
BILL 173

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Municipal Act

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 255a.
enacted

255a.—(1) In this section, Interpre-
tation

- (a) “school board” means a “board” as defined in paragraph 3 of subsection 1 of section 1 of *The Education Act, 1974*; 1974, c. 109
and
- (b) “municipality” includes a regional and district municipality and the County of Oxford, but does not include an area municipality within the meaning of any Act establishing a metropolitan, regional or district municipality or of *The County of Oxford Act, 1974*; 1974, c. 57

(2) Where a school board exercises jurisdiction in all or part of a municipality, the school board may apply to the council of the municipality for the issue and sale of debentures on the credit of the municipal corporation for raising such sums as may be required by the school board for permanent improvements, as defined in paragraph 33 of subsection 1 of section 1 of *The Education Act, 1974*. School boards
may apply for
issue and
sale of
debentures

(3) An application under subsection 2 shall state the purpose of the proposed borrowing and the nature and the estimated costs of the proposed improvements. Contents of
application

(4) The council at its first meeting after receiving an application under subsection 2, or as soon as possible thereafter, shall consider and approve or disapprove the application. Duties of
council

(5) If the council approves the application under subsection 4, the school board shall apply to the Municipal Board for its approval under section 64 of *The Ontario Municipal Board Act* Approval by
O.M.B.
R.S.O. 1970,
c. 323

and, if the Municipal Board approves, the council shall pass by-law authorizing the borrowing of money by the issue and sale of debentures on the credit of the municipal corporation for the purposes stated in the application.

Application
of other
Acts

(6) The provisions of any Act that apply to the council of a municipality in respect of its powers to raise money for municipal purposes by the issue and sale of debentures, including any obligation or prohibition imposed in connection therewith, apply with necessary modifications to the council of the municipality where it is passing a by-law for the raising of money by the issue and sale of debentures under this section.

Borrowing
pending issue
and sale of
debentures

(7) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the municipality for the purposes of a school board, the council of the municipality or the school board pending the issue and sale of the debentures may, and the council of the municipality on the request of the school board shall, agree with a bank or person for temporary advance from time to time for the purposes authorized, and the council of the municipality may, or on the request of the school board shall pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the school board.

Interest on
temporary
borrowing

(8) Where the council of a municipality has raised money for a school board under this section by temporary financing pending the sale of debentures, it shall charge the cost of the borrowing to the school board for the period before the sale for which the money is borrowed or for a period of one year, whichever is less.

Application
of proceeds
of loan

(9) The proceeds of every advance or loan under subsection 7 shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and the balance shall be transferred to the school board.

Notice of
principal
and
interest

(10) Where the council of a municipality has passed a by-law under this section for issuing debentures, the treasurer of the municipality shall notify the treasurer of the school board in writing before the 1st day of January in each year of the amount of the principal and interest, including any amount required to be raised for a sinking fund or retirement fund, due and payable that year in respect of the debentures so issued, and the dates on which the payments of such amounts become due.

Amounts to be
included in
estimates of
school board

(11) The amount that the treasurer of the school board receives by notice of under subsection 10 shall be included in the estimates of the school board.

the school board for that year, and the treasurer of the school board shall pay that amount to the treasurer of the municipality on or before the due dates of payment as specified in the notice and such amount may be recovered as a debt due by the school board to the municipality.

(12) All debentures issued under the authority of this section are direct, joint, and several obligations of the municipality and the school board, and, notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, all such debentures shall rank concurrently and *pari passu* in respect of payment and interest thereon with all other debentures of the municipality, except as to the availability of any sinking funds applicable to any particular issue of debentures.

Joint and
several
liability,
ranking of
debentures

(13) A by-law under subsection 5 shall,

Default

- (a) in the case of a by-law of a regional or district municipality or of the County of Oxford, provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in that year to the extent that such sums have not been paid over to the municipality by the appropriate school board in accordance with subsection 11;
- (b) in the case of a by-law of a county, provide for raising in each year by inclusion with the amounts required for county purposes apportioned under section 507, the sums of principal and interest payable under the by-law in that year to the extent that such sums have not been paid over to the municipality by the appropriate school board in accordance with subsection 11; and
- (c) in the case of a by-law of a local municipality, provide for raising in each year by a special rate on all the rateable property in the municipality the sums of principal and interest payable under the by-law in that year to the extent that such sums have not been paid over to the municipality by the appropriate school board in accordance with subsection 11.

(14) The expenses of the municipality in preparing, printing and publishing any by-laws or debentures under this section, and all other expenses incident thereto, may be charged to the school board.

Recovery
of costs

(15) The assent of the electors of a municipality is not required to a by-law passed by the council of the municipality under subsection 5.

Assent of
electors
not
required

s. 291 (3-9),
re-enacted

2. Subsection 3, as amended by the Statutes of Ontario, 1974, chapter 136, section 5, subsection 4, subsection 5, as amended by the Statutes of Ontario, 1976, chapter 51, section 6, and subsections 6 to 9 of section 291 of the said Act, are repealed and the following substituted therefor:

Amounts
raised to be
deposited
with a bank,
trust company
or credit
union

R.S.O. 1970.
c. 254

1976, c. 62

(3) Every money by-law passed under this section shall provide that the municipality shall deposit the annual amount to be raised under clause *b* of subsection 2,

(a) with a chartered bank or a trust company that is registered under *The Loan and Trust Corporations Act*; or

(b) subject to *The Credit Unions and Caisses Populaires Act, 1976*, with a credit union as defined in that Act,

and such amount shall be so deposited on or before the anniversary date in each year of the currency of the debentures.

Powers of
bank, trust
company or
credit union

(4) The bank, trust company or credit union shall receive all specific amounts raised for sinking fund purposes and the income from all the investments of the sinking fund and shall from time to time invest the money so received and may vary any investment.

Authorized
investments

R.S.O. 1970.
c. 470

(5) The bank, trust company or credit union may invest,

(a) in securities in which a trustee may invest under the provisions of *The Trustee Act*;

(b) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(c) in such other securities as are authorized by the Lieutenant Governor in Council;

(d) in the debentures to the payment of which the sinking fund is applicable; and

(e) not more than 25 per cent of the total sinking fund at any one time in other debentures of the municipality,

provided that the securities in which the sinking fund or any part thereof is invested shall mature or be redeemable at the option of the holder not later than the maturity date of the debentures to the payment of which the sinking fund is applicable.

Annual
financial
statement
to be
submitted
by bank,
trust
company
or credit
union

(6) The bank, trust company or credit union shall, not later than the 31st day of January in each year, submit to the Minister and to the auditor of the municipality a financial statement of the sinking fund at the close of the previous calendar year and such

statement shall contain a list of the investments held in the sinking fund.

(7) When, at the 31st day of December in any year, there is a balance in the sinking fund in excess of the amount then required for the retirement of the sinking fund debentures as certified by the auditor, such balance or part thereof shall, upon the written request of the municipality, be applied by the bank, trust company or credit union to the payment of the amount required for such sinking fund in the next succeeding year and the amount of the payment required to be paid to the bank, trust company or credit union in such year in accordance with subsection 3 and the levy for the sinking fund in such year shall be reduced accordingly.

Surplus
in sinking
fund

(8) When, at the 31st day of December in any year, the amount of a sinking fund is less than the amount then required for the retirement of the sinking fund debentures as certified by the auditor, the municipality shall pay to the bank, trust company or credit union an amount sufficient to make up the deficiency in the sinking fund.

Deficiency
in sinking
fund

(9) At the maturity of the debentures for which the sinking fund was established, the bank, trust company or credit union shall pay to the treasurer of the municipality the amount accumulated in the sinking fund.

Disposition
of sinking
fund at
maturity of
debentures

3.—(1) Subsection 2 of section 308 of the said Act is amended by striking out “bank” in the second line.

s. 308 (2),
amended

(2) Subsection 3 of the said section 308 is amended by striking out “bank” in the second line, the third line and the fifth line.

s. 308 (3),
amended

4. Subsection 2 of section 309 of the said Act is amended by striking out “bank” in the first line.

s. 309 (2),
amended

5. Clauses *e* and *f* of paragraph 74 of section 352 of the said Act are repealed and the following substituted therefor:

s. 352, par. 74
(*e*, *f*),
re-enacted

(*e*) The council may appoint such number of persons who are qualified to be elected as members of the council as it deems appropriate to act on its behalf as a board of management for any undertaking under this paragraph.

(*f*) Where two or more municipalities have provided in an agreement under clause *d* for a board of management to act on their behalf, they may provide for the number of members that may be appointed to the board by each of the municipalities, but each member of the board shall be a person who is qualified to be elected as a member of the council of one of the municipalities.

s. 354 (1),
par. 1,
re-enacted

6. Paragraph 1 of subsection 1 of section 354 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 69, section 10, is repealed and the following substituted therefor:

Prohibiting
or regulating
the keeping
of animals

1. For prohibiting or regulating the keeping of animals or any class thereof within the municipality or defined areas thereof and for restricting, within the municipality or defined areas thereof,
- i. the number of animals or any class thereof that may be kept by any person, and
 - ii. the number of animals or any class thereof that may be kept in or about any dwelling unit as defined in the by-law, or in or about any class of dwelling unit as defined in the by-law.

(a) In this paragraph and paragraphs 2, 4, 5, 6 and 7, "animal" includes birds and reptiles.

s. 377,
par. 1,
amended

- 7.—(1) Paragraph 1 of section 377 of the said Act, as amended by the Statutes of Ontario, 1978, chapter 87, section 40, is further amended by adding thereto the following clauses:

Saving

(a) No by-law passed under this paragraph by the council of the City of Mississauga shall apply to owners and drivers of cabs, other than cabs licensed by the said council, while such cabs are engaged in the conveyance of goods or passengers, if such conveyance commenced at the Toronto International Airport.

Cabs,
destinations
outside
municipality

(b) A by-law passed under this paragraph for the licensing of owners and drivers of cabs,

(i) may provide that the by-law, including any provisions for establishing fares or rates or limiting the number of cabs, shall apply to the owners and drivers of cabs engaged in the conveyance of goods or passengers from any point within the municipality to any point outside the municipality, except where such conveyance is made to an airport owned and operated by the Crown in right of Canada situate outside the municipality by a cab bearing a valid and subsisting plate issued in respect of such airport under The Government Airport Concession Operations Regulations made under the *Department of Transport Act* (Canada),

(ii) may exempt from all or any of its provisions upon such conditions as may be set out in the by-law, owners and drivers of cabs engaged in the conveyance of,

(A) children taking the cab both to and from nursery school, school or other full-time education institution, or

(B) physically, emotionally or mentally handicapped persons, as defined in the by-law, from any point within the municipality to any point outside the municipality, where the conveyance is made pursuant to a written contract for the use of a cab with respect to which there is a valid and subsisting licence issued under a by-law passed under this paragraph by another municipality, and

(iii) may exempt from all or any of its provisions owners and drivers of cabs with respect to which there is a valid and subsisting licence issued under this paragraph by another municipality named in the by-law.

(2) Paragraphs 1a and 1b of section 377 of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 136, section 17 and 1978, chapter 101, section 6, respectively, are repealed. s. 377,
pars. 1a, 1b,
repealed

8. The said Act is further amended by adding thereto the following section: s. 386a,
enacted

386a.—(1) In this section,

Interpre-
tation

(a) "group home" means a residence that is licensed or funded under an Act of the Parliament of Canada or the Province of Ontario for the accommodation of three to ten persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well being;

(b) "registrar" means the person designated as the registrar of group homes by the council of a local municipality.

(2) The council of every local municipality may pass by-laws, Registration
of group
homes

(a) providing for the registration and the annual renewal of registration, with the registrar, of group homes or such class or classes thereof as may be set out in the by-law;

(b) prohibiting any person from owning or operating a group home that is not registered in accordance with a by-law passed under this section;

(c) fixing fees for the registration and renewal of registration of group homes; and

(d) authorizing the registrar to register and renew registrations required by a by-law passed under clause *a*.

Duty of
registrar

(3) Where an application is made to the registrar of a municipality in the form prescribed by a by-law of the municipality under subsection 2 for the registration or renewal of registration of a group home, the registrar shall register or renew the registration, as the case may be, of the group home.

Inspection

(4) Where the registrar has reasonable and probable grounds to believe that any person is operating a group home that is not registered in accordance with a by-law passed under this section, the registrar or a person acting on his instructions may, under the authority of a search warrant issued under section 16 of *The Summary Convictions Act*, enter and inspect the property for the purpose of determining whether or not the property is being used as a group home.

R.S.O. 1970,
c. 450

Restricted
area by-law
required
R.S.O. 1970,
c. 349

(5) No council may pass by-laws under this section unless there is in effect in the municipality a by-law passed under section 35 of *The Planning Act* that permits the establishment and use of group homes in the municipality.

ss. 389f, 389g,
enacted

9.—(1) The said Act is further amended by adding thereto the following sections:

Remuneration
where two
or more
municipalities
appoint
members of
local
board
R.S.O. 1970,
c. 118

389f.—(1) Notwithstanding sections 389*a* and 389*e*, where two or more municipalities appoint members to the same local board, as defined in *The Municipal Affairs Act*, a majority of the municipalities represented by at least one-half of the total number of members on the local board may, by a resolution passed by the council of each municipality on or before the 15th day of February in each year, establish the remuneration to be paid to all members of the local board appointed by municipal councils in respect of their service as a member of that local board.

Idem

(2) A resolution passed under subsection 1 may establish different amounts for or different manners of remunerating different members of the same local board.

Expenses

(3) Notwithstanding sections 389*b* and 389*e*, subsection 1 applies with necessary modifications to the establishment of the expenses payable to members of the local board where the expenses are incurred as a result of the persons acting in their capacity as members of the local board, and subsections 2 and 3 of section 389 apply with necessary modifications to a resolution passed under this subsection.

(4) For the purposes of this section, "local board" does not include a public utilities commission or a hydro-electric commission. Interpretation

(5) This section applies with necessary modifications to a member of council who serves pursuant to this or any other general or special Act as an *ex officio* member of such local board. Ex officio members

(6) Where no resolution is passed on or before the 15th day of February as provided in subsection 1, a person described in subsection 1 shall be paid such remuneration as was established for the person or his predecessor for the preceding year and he shall be paid his expenses in accordance with the method of reimbursement established for the person or his predecessor for the preceding year, whether the remuneration and expenses were established by the local board or the municipality appointing the person. Where no resolution

(7) For the purposes of subsection 6, amounts paid under subsection 2 of section 389c shall not be included as remuneration or expenses established for the preceding year. Amounts not to be included as remuneration or expenses of preceding year

(8) Notwithstanding any other provisions of this Act, but subject to subsection 2 of section 389c, the remuneration and expenses of a person described in subsection 1 shall be established in accordance with this section and shall be paid by the local board out of the funds of the local board and not by the council of the municipality that appointed the person to the board. Payment by local board

(9) In this section, "municipality" includes a regional, metropolitan and district municipality and the County of Oxford. Interpretation

389g. Notwithstanding sections 389a to 389f, a conservation authority is responsible for establishing and paying the remuneration and expenses of the members of the conservation authority appointed by its participating municipalities, unless the conservation authority passes a resolution transferring the responsibility for establishing remuneration and expenses to the participating municipalities, in which case the remuneration and expenses shall be established and paid in accordance with section 389f. Conservation authorities

(2) Subsection 2 of section 13 of *The Municipal Amendment Act, 1978*, being chapter 101, is repealed. 1978, c. 101, s. 13 (2), repealed

10. The said Act is further amended by adding thereto the following section: s. 390b, enacted

390b. The council of every municipality may pass by-laws for providing for any or all of the members of council any benefits that may be provided for the employees of a municipality under paragraphs 66 and 67 of section 352 and for any other benefits of a like nature that the council considers appropriate. Insurance, hospitalization, etc.

s. 636a (1) (c),
re-enacted

11. Clause *c* of subsection 1 of section 636a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 25, is repealed and the following substituted therefor:

(c) in respect of a building that during the year or during the preceding year after the return of the assessment roll,

(i) was razed by fire, demolition or otherwise, or

(ii) was damaged by fire, demolition or otherwise so as to render it substantially unusable for the purposes for which it was used immediately prior to the damage.

Commence-
ment

12.—(1) This Act, except sections 1 and 9, comes into force on the day it receives Royal Assent.

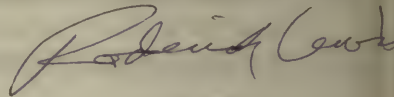
Idem

(2) Sections 1 and 9 come into force on the 1st day of January, 1980.

Short title

13. The short title of this Act is *The Municipal Amendment Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC. 20 19 79



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Municipal Act

1st Reading

November 9th, 1979

2nd Reading

December 3rd, 1979

3rd Reading

December 18th, 1979

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

Paul. in Cap. P. S. Hon
BILL 174

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act respecting the
Composition of the Council of the Town of Midland**

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 174

1979

**An Act respecting
the Composition of the Council
of the Town of Midland**

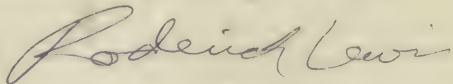
HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 37 of *The Statute Law Amendment Act, 1937*, being chapter 72, is repealed. 1937, c. 72,
s. 37,
repealed

2. This Act comes into force on the day it receives Royal Assent and takes effect at and for the purposes of the regular election of the council of the Town of Midland to be held in 1980. Commence-
ment

3. The short title of this Act is *The Council of the Town of Midland Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC. 20 19 79



CLERK
LEGISLATIVE ASSEMBLY

An Act respecting
the Composition of the Council
of the Town of Midland

1st Reading

November 9th, 1979

2nd Reading

December 17th, 1979

3rd Reading

December 18th, 1979

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

BILL 1751

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Highway Traffic Act

THE HON. J. W. SNOW
Minister of Transportation and Communications

TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 175

1979

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5a of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1974, chapter 66, section 1, is amended by relettering clause *a* as clause *aa* and by adding thereto the following clauses: s. 5a.
amended

(a) "MVIS number plate" means a number plate issued to a licensee as defined in section 58;

(ba) "registrant" has the same meaning as in section 58.

2. Subsection 7 of section 6 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 66, section 2, is amended by adding thereto the following clause: s. 6 (7).
amended

(g) respecting MVIS number plates for motor vehicles while the vehicles are in the care and control of licensees as defined in section 58 and regulating the operation of the vehicles by the said licensees.

3. The said Act is amended by adding thereto the following section: s. 8a.
enacted

8a. Notwithstanding sections 6 and 8 and clause *d* of section 9, a motor vehicle may be driven on a highway by a registrant carrying out a road test of the vehicle in the course of his duties as a registrant where an MVIS number plate issued by the Ministry or a person authorized by the Minister is displayed on the motor vehicle in the manner prescribed by the regulations. Road
test

4. Section 31 of the said Act is amended by inserting after "Act" in the first line and in the fourth line "or the regulations". s. 31.
amended

s. 33a.
amended

5.—(1) Section 33a of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 24, section 3, is amended by striking out “drivers’ licences issued to” in the second line.

s. 33a (b).
amended

(2) Clause b of the said section 33a is amended by striking out “holder of a driver’s licence” in the second line and inserting in lieu thereof “person”.

s. 33a.
amended

(3) The said section 33a is further amended by adding thereto the following clause:

(f) prescribing modifications to the demerit point system prescribed under section 33 in so far as it applies to probationary drivers and exempting probationary drivers from any of the provisions of the said demerit point system.

s. 36a.
re-enacted

6. Section 36a of the said Act, as enacted by the Statutes of Ontario, 1975, chapter 78, section 4, is repealed and the following substituted therefor:

Interpreta-
tion

36a. In this Part,

R.S.O. 1970.
c. 20

(a) “ambulance” includes an ambulance as defined in *The Ambulance Act* and a cardiac arrest emergency vehicle operated by or under the authority of a hospital;

(b) “fire department vehicle” includes an emergency crash extrication vehicle owned and operated by a rescue organization approved by the Minister in writing for the purposes of this Part;

(c) “motor vehicle” does not include a motor assisted bicycle.

s. 96 (1) (a).
amended

7. Clause a of subsection 1 of section 96 of the said Act, as re-enacted by the Statutes of Ontario, 1979, chapter 57, section 10, is amended,

(a) by striking out subclause i and inserting in lieu thereof the following:

(i) a fire department vehicle while proceeding to a fire or responding to, but not returning from, a fire alarm or other emergency call.

(b) by striking out “or” at the end of subclause ii;

(c) by inserting “or” at the end of subclause iii; and

(d) by adding thereto the following subclause:

- (iv) a cardiac arrest emergency vehicle operated by or under the authority of a hospital.

8. Section 106 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 29 and 1977, chapter 19, section 12, is further amended by adding thereto the following subsection: s. 106.
amended

(3) In this section, "ambulance" and "fire department vehicle" have the same meaning as in section 36a. Interpreta-
tion

9.—(1) This Act, except sections 1, 2 and 3, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Sections 1, 2 and 3 come into force on a day to be named by proclamation of the Lieutenant Governor. Idem

10. The short title of this Act is *The Highway Traffic Amendment Act*, 1979. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC. 20 1979

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Highway Traffic Act

1st Reading

November 15th, 1979

2nd Reading

December 4th, 1979

3rd Reading

December 6th, 1979

THE HON. J. W. SNOW
Minister of Transportation
and Communications

1 am. in Leg. by G. H.

BILL 176

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Architects Act

THE HON. R. MCMURTRY
Attorney General

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 176

1979

An Act to amend The Architects Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Architects Act*, being chapter 27 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection: s. 5,
amended

(3) Subsection 2 does not prevent a member of the Association from offering or providing architectural services to a corporation in order to enable the corporation to provide architectural services in respect of a work or project situate outside Ontario. Exception

2. Subsection 4 of section 16 of the said Act is amended, s. 16 (4),
amended

(a) by striking out "or" at the end of clause i and adding "or" at the end of clause j; and

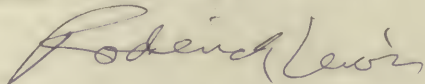
(b) by adding thereto the following clause:

(k) a corporation from offering or providing the architectural services of a member of the Association in respect of a work or project situate outside Ontario.

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. The short title of this Act is *The Architects Amendment Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC. 20 19 79



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Architects Act

1st Reading

November 15th, 1979

2nd Reading

December 4th, 1979

3rd Reading

December 18th, 1979

THE HON. R. MCMURTRY
Attorney General

Pauline G. G. Hon

BILL 177

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend
The Compensation for Victims of Crime Act, 1971

THE HON. R. MCMURTRY
Attorney General

BILL 177

1979

**An Act to amend
The Compensation for Victims of Crime Act, 1971**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Compensation for Victims of Crime Act, 1971*, being chapter 51, is amended by striking out "not fewer than five and not more than seven members who shall be" in the fourth and fifth lines and inserting in lieu thereof "such number of members, not fewer than five, as are". s. 3 (1),
amended
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Compensation for Victims of Crime Amendment Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC. 20 1979

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend The Compensation for
Victims of Crime Act, 1971

1st Reading

November 15th, 1979

2nd Reading

December 4th, 1979

3rd Reading

December 6th, 1979

THE HON. R. MCMURTRY
Attorney General

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to provide for the
Enforcement of Interprovincial Subpoenas

THE HON. R. MCMURTRY
Attorney General

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 178

1979

An Act to provide for the Enforcement of Interprovincial Subpoenas

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "court" means any court in a province;
- (b) "province" means any province of Canada and includes the Yukon Territory and the Northwest Territories;
- (c) "subpoena" means a subpoena or other document issued by a court requiring a person within a province other than the province of the issuing court to attend as a witness at a trial or hearing, to produce documents or other things or to testify before the issuing court.

2.—(1) A court in Ontario shall receive and adopt as an order of the court a subpoena from a court outside Ontario if,

Adoption
of inter-
provincial
subpoena

- (a) the subpoena is accompanied by a certificate signed by a judge of a superior, county or district court of the issuing province and impressed with the seal of that court, signifying that, upon hearing and examining the applicant, the judge is satisfied that the attendance in the issuing province of the person subpoenaed,
 - (i) is necessary for the due adjudication of the proceeding in which the subpoena is issued, and
 - (ii) in relation to the nature and importance of the cause or proceeding is reasonable and essential to the due administration of justice in that province; and
- (b) the subpoena is accompanied by the witness fees and travelling expenses in accordance with Schedule 1.

Form of
certificate

(2) The certificate to which reference is made in clause *a* of subsection 1 may be in the form set out in Schedule 2 or in a form to the like effect.

Immunity by
law of other
province

3. A court in Ontario shall not receive a subpoena from another province under section 2 unless the law of that other province has a provision similar to section 6 providing absolute immunity to a person in Ontario who is required to attend as a witness in the other province from all proceedings of the nature set out in section 6 and within the jurisdiction of the Legislature of that other province except only those proceedings grounded on events occurring during or after the required attendance of the person in the other province.

Failure to
comply with
adopted sub-
poena

4. Where a person who has been served with a subpoena adopted under section 2 and given the witness fees and travelling expenses in accordance with Schedule 1 not less than ten days, or such shorter period as the judge of the court in the issuing province may indicate in his certificate, before the date the person is required to attend in the issuing court, fails without lawful excuse to comply with the order, he is in contempt of the adopting court and subject to such penalty as that court may impose.

Proceedings
in Ontario

5.—(1) Where a party to a proceeding in any court in Ontario causes a subpoena to be issued for service in another province, the party may attend upon a judge of the High Court, or of a county or district court, who shall hear and examine the party or his counsel, if any, and, upon being satisfied that the attendance in Ontario of the person required in Ontario as a witness,

(a) is necessary for the due adjudication of the proceeding in which the subpoena or other document has been issued; and

(b) in relation to the nature and importance of the proceedings, is reasonable and essential to the due administration of justice in Ontario,

shall sign a certificate which may be in the form set out in Schedule 2 and shall cause the certificate to be impressed with the seal of the court.

Certificate
to be
attached to
and endorsed
on subpoena

(2) The certificate shall be either attached to or endorsed on the subpoena.

No sub-
mission to
jurisdiction

6. A person required to attend before a court in Ontario by a subpoena adopted by a court outside Ontario shall be deemed, while within Ontario for the purposes for which the subpoena was issued, not to have submitted to the jurisdiction of the courts of Ontario other than as a witness in the proceedings in which he is

subpoenaed and shall be absolutely immune from seizure of goods, service of process, execution of judgment, garnishment, imprisonment or molestation of any kind relating to a legal or judicial right, cause, action, proceeding or process within the jurisdiction of the Legislature of Ontario except only those proceedings grounded on events occurring during or after the required attendance of the person in Ontario.

7. Where a person is required to attend before a court in Ontario by a subpoena adopted by a court outside Ontario, he may request the court in Ontario to order additional fees and expenses to be paid in respect of his attendance as a witness and the court, if it is satisfied that the amount of fees and expenses previously paid to the person in respect of his attendance is insufficient, may order the party who obtained the subpoena to pay the person forthwith such additional fees and expenses as the court considers sufficient, and amounts paid pursuant to an order made under this section are disbursements in the cause.

Order for
additional
witness fees
and expenses

8. This Act does not apply to a subpoena that is issued with respect to a criminal offence under an Act of the Parliament of Canada.

Non-applica-
tion of Act

9. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commence-
ment

10. The short title of this Act is *The Interprovincial Subpoenas Act, 1979*.

Short title

SCHEDULE 1

WITNESS FEES AND TRAVELLING EXPENSES

The witness fees and travelling expenses required to be given to the witness upon service of an interprovincial subpoena shall be a sum of money, or a sum of money together with valid travel warrants, sufficient to satisfy the following requirements:

1. The fare for transportation by the most direct route via public commercial passenger carrier between the witness's place of residence and the place at which the witness is required to attend in court, in accordance with the following rules:

If the journey or part of it can be made by air, rail or bus, that portion of the journey shall be by airline, rail or bus by tourist class or equivalent class via carriers on which the witness can complete his total journey to the place where he is required to attend in court on the day before his attendance is required.

If railway transportation is necessary for part of the journey and sleeping accommodation would normally be obtained for such a journey, the fare for sleeping accommodation shall be included.

In the calculation of the fare for transportation, the most rapid form of transportation by regularly scheduled carrier shall be accorded priority over all other forms.

If the material which the witness is required to produce in court is of such weight or size as to attract extra fares or charges, the amount so required shall be included.

2. The cost of hotel accommodation for not less than three days at the place where the witness is required to attend in court, in an amount not less than \$60.
3. The cost of meals for the total journey and for not less than three days at the place where the witness is required to attend in court, in an amount not less than \$48.
4. In addition to the amounts described above, an allowance of \$20 for each day of absence from the ordinary residence of the witness, and the witness shall be paid on account of this allowance not less than \$60.

SCHEDULE 2

CERTIFICATE

I, a judge of the certify that I
(name of judge) (name of court)

have heard and examined who seeks to compel
(name of applicant party
or his counsel)
the attendance of to produce documents or
(name of witness)

other articles or to testify, or both, in a proceeding in Ontario in the
..... styled
(name of court in which witness is to appear)

..... I further certify that I am persuaded that the
(style of proceeding)

appearance of as a witness in the proceeding is
(name of witness)

necessary for the due adjudication of the proceeding, and, in relation to the nature and importance of cause or proceeding, is reasonable and essential to the due administration of justice in Ontario.

The Interprovincial Subpoenas Act, 1979 makes the following provision for
the immunity of
(name of witness)

A person required to attend before a court in Ontario by a subpoena adopted by a court outside Ontario shall be deemed, while within Ontario for the purposes for which the subpoena was issued, not to have submitted to the jurisdiction of the courts of Ontario other than as a witness in the proceedings in which he is subpoenaed and shall be absolutely immune from seizure of goods, service of process, execution of judgment, garnishment, imprisonment or molestation of any kind relating to a legal or judicial right, cause, action, proceeding or process within the jurisdiction of the Legislature of Ontario except only those proceedings grounded on events occurring during or after the required attendance of the person in Ontario.

Dated this day of 19...

(seal of the court)

.....
(Signature of judge)

ASSENTED TO BY LIEUTENANT-GOVERNOR

DEC. 20 19 79

Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to provide for
the Enforcement of Interprovincial
Subpoenas

1st Reading

November 15th, 1979

2nd Reading

December 4th, 1979

3rd Reading

December 6th, 1979

THE HON. R. MCMURTRY
Attorney General

Pauline G. G. H.
BILL 179

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

The Powers of Attorney Act, 1979

THE HON. R. MCMURTRY
Attorney General

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 179

1979

The Powers of Attorney Act, 1979

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "attorney" means the donee of a power of attorney or where a power of attorney is given to two or more persons, whether jointly or severally or both, means any one or more of such persons;

(b) "legal incapacity" means mental infirmity of such a nature as would, but for this Act, invalidate or terminate a power of attorney and "legal capacity" has a corresponding meaning.

2. A general power of attorney may be in Form 1 and is sufficient authority for the donee of the power or, where there is more than one donee, for the donees acting jointly or acting jointly and severally, as the case may be, to do on behalf of the donor anything that the donor can lawfully do by an attorney, subject to such conditions and restrictions, if any, as are contained therein.

Form of
general
power of
attorney

3.—(1) Where a power of attorney is terminated, any subsequent exercise of the power by the attorney is valid and binding as between the donor or the estate of the donor and any person, including the attorney, who acted in good faith and without knowledge of the termination.

Exercise of
power after
termination

(2) Where money is paid in the exercise of a power of attorney to which subsection 1 applies, nothing in subsection 1 affects the right of any person entitled to the money against the person to whom the payment is made, and the person so entitled has the same remedy against the person to whom the payment is made as he would have had against the person making the payment.

Saving

POWER OF ATTORNEY DURING LEGAL INCAPACITY

Application of
ss. 5-10

4. Sections 5 to 10 apply notwithstanding any agreement or waiver to the contrary.

Powers of
attorney
exercisable
while donor
without
capacity

5. A provision in a power of attorney expressly stating that it may be exercised during any subsequent legal incapacity of the donor is valid and effectual, subject to such conditions and restrictions, if any, as are contained therein and not inconsistent with this Act.

Execution

6. A power of attorney that contains a provision referred to in section 5 shall be executed in the presence of a witness who is not the attorney or the attorney's spouse.

Revocable

7. A power of attorney that contains a provision referred to in section 5 may be revoked by the donor at any time while he has legal capacity.

Effect of
declaration
of mental
incompetency

8. A power of attorney that contains a provision referred to in section 5 becomes invalid and of no effect, notwithstanding such provision, where,

(a) an order has been made declaring the donor a mentally incompetent person and upon the appointment of a committee;

R.S.O. 1970,
c. 271

(b) an order has been made declaring the donor incapable of managing his affairs under section 39 of *The Mental Incompetency Act* and upon the appointment of a person having the powers of a committee;

(c) the Public Trustee becomes committee of the estate of the donor.

Passing
accounts

9.—(1) Where a power of attorney contains a provision referred to in section 5 and the donor subsequently is without legal capacity, any person having an interest in the estate of the donor or any other person permitted by the court may, during such incapacity, apply to the surrogate court in the county or district where the donor or the donee resides for an order requiring the attorney to pass his accounts for transactions involving an exercise of the power during the incapacity of the donor, and the court may order the attorney to pass such accounts or such part thereof as is provided in the order.

Procedure
and effect

(2) Where an order is made under subsection 1, the attorney shall file his accounts in the office of the surrogate court and the proceedings and practice upon the passing of the accounts shall be the same and of the like effect as the passing of executors' or administrators' accounts in the surrogate court.

(3) The Public Trustee may apply under subsection 1 in the same manner as a person interested in the estate of the donor where it appears to him desirable to do so in the best interests of the donor or his estate. Application
by Public
Trustee

10.—(1) Where a power of attorney contains a provision referred to in section 5 and the donor subsequently is without legal capacity, any person having an interest in the estate of the donor or any other person permitted by the court may, during such incapacity, apply to the surrogate court in the county or district where the donor or the donee resides for an order substituting another person for the attorney named in the power of attorney and the court may make the order or such other order as the court considers proper. Substitution
of attorney

(2) The substitution of another person for an attorney under subsection 1 shall have the like effect as the substitution of another person for a trustee under *The Trustee Act*. Effect of
substitution
R. S. O. 1970,
c. 470

(3) The Public Trustee may apply under subsection 1 in the same manner as a person interested in the estate of the donor where it appears to him desirable to do so in the best interests of the donor or his estate. Application by
Public Trustee

(4) The attorney may apply under subsection 1 in the same manner as a person interested in the estate of the donor, on giving notice to the Public Trustee and to all persons having an interest in the estate of the donor. Application
by attorney

11.—(1) *The Powers of Attorney Act*, being chapter 357 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970,
c. 375,
repealed

(2) Notwithstanding subsection 1, *The Powers of Attorney Act* continues to apply in respect of powers of attorney executed before this Act comes into force. Exception

12. This Act comes into force on the day it receives Royal Assent. Commence-
ment

13. This Act may be cited as *The Powers of Attorney Act*, 1979. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

DEC. 20, 1979



CLERK
LEGISLATIVE ASSEMBLY

Form 1

Form of Power of Attorney

THIS GENERAL POWER OF ATTORNEY is given on19...
(Date)

by of
(Donor)

I appoint of (or
(Attorney)

..... of and of
(Attorney) (Attorney)

..... jointly *or* jointly and severally) to be my attorney(s) in accordance with *The Powers of Attorney Act, 1979* and to do on my behalf anything that I can lawfully do by an attorney.

(The following paragraph may be included if the donor wishes the authority granted by this power of attorney to continue notwithstanding any subsequent mental infirmity on his part:)

In accordance with *The Powers of Attorney Act, 1979*, I declare that this power of attorney may be exercised during any subsequent legal incapacity on my part.

This power of attorney is subject to the following conditions and restrictions:

(N.B. this space may be left blank.)

WITNESSED BY:

.....
(Signature of Witness)

.....
(Name of Witness)

.....
(Address)

.....
(Donor)

1st Reading

November 15th, 1979

2nd Reading

December 4th, 1979

3rd Reading

December 6th, 1979

THE HON. R. MCMURTRY
Attorney General

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Unified Family Court Act, 1976

THE HON. R. MCMURTRY
Attorney General

BILL 180

1979

**An Act to amend
The Unified Family Court Act, 1976**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 24 of *The Unified Family Court Act, 1976*, being chapter 85, s. 24, as re-enacted by the Statutes of Ontario, 1977, chapter 4, section 5, ^{re-enacted} is repealed and the following substituted therefor:

24. This Act is repealed on the 1st day of July, 1982. Repeal

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. The short title of this Act is *The Unified Family Court Amendment Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

DEC. 20 1979

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Unified Family Court Act, 1976

1st Reading

November 15th, 1979

2nd Reading

December 3rd, 1979

3rd Reading

December 18th, 1979

THE HON. R. MCMURTRY
Attorney General

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to provide for the Consolidation
and Revision of the Statutes**

THE HON. R. MCMURTRY
Attorney General

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 181

1979

An Act to provide for the Consolidation and Revision of the Statutes

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Arthur Norman Stone, one of Her Majesty's Counsel, Commissioners. appointment
Senior Legislative Counsel, and Jack Allen Fader, Legislative Counsel, and such other person or persons as the Lieutenant Governor in Council may appoint, are hereby appointed commissioners under the direction of the Attorney General to consolidate and revise the public general statutes of Ontario in accordance with this Act.

(2) The commissioners and such persons as may assist them Remuneration
shall be paid such remuneration for their services under this Act, out of the moneys voted by the Legislature for the purposes of this Act, as the Lieutenant Governor in Council may fix.

2. The commissioners shall examine the public general statutes of Ontario enacted before the 1st day of January, 1981 and shall arrange, consolidate and revise such statutes in accordance with this Act. Duties

3. In the performance of their duties under this Act, the commissioners may omit any enactment that is not of general application or that is obsolete, may alter the numbering and arrangement of any enactment, may make such alterations in language and punctuation as are requisite to obtain a uniform mode of expression, and may make such amendments as are necessary to bring out more clearly what is deemed to be the intention of the Legislature or to reconcile seemingly inconsistent enactments or to correct clerical, grammatical or typographical errors. Powers

4. Where, in an Act that is passed after the 31st day of December, 1980, and before the Revised Statutes of Ontario, 1980 come into force, a reference is made to an Act or provision that is to be included in the Revised Statutes of Ontario, 1980, the Supplementary revision of statutes passed between Jan. 1, 1980 and time when R.S.O. 1980 is proclaimed

reference shall be deemed to be a reference to the corresponding Act or provision in the Revised Statutes of Ontario, 1980 and the commissioners shall, accordingly, cause appropriate changes to be made in the publication of Acts passed during that period.

Printed
roll

5. As soon as the commissioners report the completion of the consolidation and revision authorized by this Act, the Lieutenant Governor may cause a printed roll thereof, signed by the Lieutenant Governor and countersigned by the Attorney General, to be deposited in the office of the Clerk of the Assembly.

Appendices

6. There shall be appended to the roll,

- (a) an appendix marked "Appendix A", similar in form to Appendix A appended to the Revised Statutes of Ontario, 1970, containing certain Imperial Acts and parts of Acts relating to property and civil rights that were consolidated in the Revised Statutes of Ontario, 1897, Volume III, pursuant to chapter 13 of the Statutes of Ontario, 1902, that are not repealed by the Revised Statutes of Ontario, 1980 and are in force in Ontario subject thereto; and
- (b) an appendix marked "Appendix B", similar in form to Appendix B appended to the Revised Statutes of Ontario, 1970, containing certain Imperial statutes and statutes of Canada relating to the constitution and boundaries of Ontario.

Schedules

7.—(1) There shall be appended to the roll,

- (a) a schedule marked "Schedule A", similar in form to Schedule A appended to the Revised Statutes of Ontario, 1970, showing the Acts contained in the Revised Statutes of Ontario, 1970 and the other Acts that are repealed in whole or in part from the day upon which the Revised Statutes of Ontario, 1980 take effect and the extent of such repeal;
- (b) a schedule marked "Schedule B", similar in form to Schedule B appended to the Revised Statutes of Ontario, 1970, showing the Acts and parts of Acts that are repealed, superseded and consolidated in the Revised Statutes of Ontario, 1980 and showing also the portions of the Revised Statutes of Ontario, 1970 and Acts passed thereafter that are not consolidated; and
- (c) a schedule marked "Schedule C" containing references to all the provisions passed by the Ontario Legislature

after the 1st day of July, 1867 that are unconsolidated and still have effect.

(2) The inclusion or omission of an Act or a part thereof in a schedule shall not be construed as a declaration that the Act or part was or was not in force immediately before the coming into force of the Revised Statutes of Ontario, 1980.

Effect of inclusion or omission of an Act in schedules

8.—(1) After the deposit of the roll under section 5, the Lieutenant Governor may by proclamation declare the day upon which the roll will come into force and have effect as law by the designation "Revised Statutes of Ontario, 1980".

Proclamation

(2) On and after the day so proclaimed, the roll shall be in force and effect by the said designation to all intents as though the same were expressly embodied in and enacted by this Act to come into force and have effect on and after that day, and on and after that day all the enactments in the several Acts and parts of Acts in Schedule A thereto shall be repealed to the extent mentioned in the third column of the schedule.

Effect of proclamation

9. Any reference in an unrepealed and unconsolidated Act or in an instrument or document to an Act or enactment repealed and consolidated shall, after the Revised Statutes of Ontario, 1980 come into force, be held, as regards any subsequent transaction, matter or thing, to be a reference to the Act or enactment in the Revised Statutes of Ontario, 1980 having the same effect as such repealed and consolidated Act or enactment.

References to repealed Acts in former Acts

10. The publication of the Revised Statutes of Ontario, 1980 by the Queen's Printer shall be received as evidence of the Revised Statutes of Ontario, 1980 in all courts and places whatsoever.

Publication by Queen's Printer to be evidence

11. The Revised Statutes of Ontario, 1980 shall be distributed as the Lieutenant Governor in Council directs and the Lieutenant Governor in Council may fix the price at which copies may be sold by the Queen's Printer.

Distribution of copies

12. This Act shall be printed with the Revised Statutes of Ontario, 1980 and is subject to the same rules of construction as the Revised Statutes of Ontario, 1980.

This Act to be printed with R.S.O. 1980

13. A chapter of the Revised Statutes of Ontario, 1980 may be cited and referred to in any Act, proceeding, instrument or document whatever either by the title with which the chapter is headed or by using the expression "Revised Statutes of Ontario, 1980, chapter ", or the abbreviation "R.S.O. 1980, c. ", adding in each case the number of the particular chapter.

How Acts may be cited

14. The short title of this Act is *The Statutes Revision Act*, Short title 1979.

ASSENTED TO BY LIEUTENANT-GOVERNOR

DEC. 20 1979

Roderick Lewis

An Act to provide for the
Consolidation and Revision
of the Statutes

1st Reading

November 15th, 1979

2nd Reading

December 4th, 1979

3rd Reading

December 6th, 1979

THE HON. R. MCMURTRY
Attorney General

1981 in Reg. by S. Hon.

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to provide for the Consolidation
and Revision of the Regulations**

THE HON. R. MCMURTRY
Attorney General

BILL 182

1979

An Act to provide for the Consolidation and Revision of the Regulations

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Arthur Norman Stone, one of Her Majesty's Counsel, and William Russell Anderson, one of Her Majesty's Counsel, Senior Legislative Counsel and Registrar of Regulations respectively, and such other person or persons as the Lieutenant Governor in Council may appoint, are hereby appointed commissioners under the direction of the Attorney General to consolidate and revise in accordance with this Act the regulations filed under *The Regulations Act*. Commissioners.
appointment
R.S.O. 1970.
c. 410

(2) The commissioners and such persons as may assist them shall be paid such remuneration for their services under this Act, out of the moneys voted by the Legislature for the purposes of this Act, as the Lieutenant Governor in Council may fix. Remuneration

2. The commissioners shall examine the Revised Regulations of Ontario, 1970, and the regulations filed under *The Regulations Act* on and after the 1st day of January, 1971, and before the 1st day of January, 1981, and shall arrange, consolidate and revise such regulations in accordance with this Act. Duties

3.—(1) In the performance of their duties under this Act, the commissioners may omit any regulation that is obsolete, may alter the numbering and arrangement of any regulation, may make such alterations in language and punctuation as are requisite to obtain a uniform mode of expression, and may make such amendments as are necessary to bring out more clearly what is deemed to be the intention of the authority that made the regulation or to reconcile seemingly inconsistent provisions or to correct clerical, grammatical or typographical errors. Powers

(2) In the performance of their duties under this Act, the commissioners may omit any regulation that, in their opinion, is not of general application but should remain in force. Idem

Schedule

(3) There shall be appended to the roll a Schedule showing the regulations omitted under subsection 2 and, notwithstanding subsection 2 of section 6, a regulation shown in the Schedule remains in force until it is revoked or otherwise expires.

Regulations
filed after
Dec. 31st.
1980 and
before day
R.R.O. 1980
in force
to be
revised and
published

4.—(1) Where a regulation is filed under *The Regulations Act* after the 31st day of December, 1980 and before the Revised Regulations of Ontario, 1980 come into force and amends, remakes or refers to a regulation that is included in the Revised Regulations of Ontario, 1980,

(a) the regulation as it appears in the Revised Regulations of Ontario, 1980 shall be deemed to be amended, remade or referred to correspondingly; and

(b) the commissioners shall,

(i) cause the appropriate changes to be made in such regulations filed during such period, and

(ii) forthwith after the day upon which the Revised Regulations of Ontario, 1980 come into force, cause such regulations as so revised together with all other regulations that are filed during such period to be published in *The Ontario Gazette*.

Effect of
publication

R.S.O. 1970.
c. 410

(2) Upon the publication of the regulations mentioned in subclause ii of clause b of subsection 1, such regulations shall be deemed to be filed under *The Regulations Act* on the day the Revised Regulations of Ontario, 1980 come into force, and the regulations filed after the 31st day of December, 1980 and before the Revised Regulations of Ontario, 1980 come into force are revoked on the day the Revised Regulations of Ontario, 1980 come into force.

Printed
roll to be
deposited
with
Clerk of
Assembly

5. As soon as the commissioners report the completion of the consolidation and revision, the Lieutenant Governor may cause a printed roll thereof, signed by the Lieutenant Governor and countersigned by the Attorney General, to be deposited in the office of the Clerk of the Assembly.

Proclama-
tion

6.—(1) After the deposit of the roll under section 5, the Lieutenant Governor may by proclamation declare the day upon which the roll will come into force and have effect as law by the designation "Revised Regulations of Ontario, 1980".

Idem

(2) Subject to subsection 3 of section 3, on and after the day so proclaimed,

(a) all regulations contained in the Revised Regulations of Ontario, 1970; and

(b) all regulations filed under *The Regulations Act* on and after the 1st day of January, 1971, and before the 1st day of January, 1981,

R.S.O. 1970.
c. 41G

are revoked.

7. The publication of the Revised Regulations of Ontario, 1980 by the Queen's Printer shall be received as evidence of the regulations as consolidated and revised under this Act in all courts and places whatsoever.

Publication
by Queen's
Printer to
be evidence

8. The Revised Regulations of Ontario, 1980 shall be distributed as the Lieutenant Governor in Council directs and the Lieutenant Governor in Council may fix the price at which copies may be sold by the Queen's Printer.

Distribution
of copies

9. This Act shall be printed with the Revised Regulations of Ontario, 1980 and is subject to the same rules of construction as the Revised Statutes of Ontario, 1980.

This Act
to be
printed
with
R.R.O. 1980

10. Regulations in the Revised Regulations of Ontario, 1980 may be cited and referred to as "Revised Regulations of Ontario, 1980, Regulation ", or the abbreviation "R.R.O. 1980, Reg. ", adding in each case the number of the particular regulation.

How regula-
tions may
be cited

11. The short title of this Act is *The Regulations Revision Act*, 1979.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC. 20 1979

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to provide for the Consolidation
and Revision of the Regulations

1st Reading

November 15th, 1979

2nd Reading

December 4th, 1979

3rd Reading

December 6th, 1979

THE HON. R. MCMURTRY
Attorney General

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to amend
The Ontario Unconditional Grants Act, 1975**

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

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BILL 194

1979

An Act to amend The Ontario Unconditional Grants Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Ontario Unconditional Grants Act, 1975*, being chapter 7, as re-enacted by the Statutes of Ontario, 1977, chapter 7, section 6, is repealed and the following substituted therefor:

s. 9,
re-enacted

9.—(1) In each year there shall be paid a resource equalization grant in respect of each lower tier municipality whose equalized assessment per capita in the preceding year is below such standard equalized assessment per capita as may be prescribed, and the amount of the grant shall be based, in the manner prescribed, on the proportion that 60 per cent of such deficiency of equalized assessment per capita bears to the prescribed standard equalized assessment per capita as applied to the net levy of the lower tier municipality.

Resource
equalization
grants

(2) A grant payable under subsection 1 shall be paid to the lower tier municipality in respect of which it was determined and to the upper tier municipality within which that lower tier municipality is situate in the proportions prescribed, and the portion of the grant payable to the upper tier municipality in that year shall be deducted from the requisition or levy of that upper tier municipality upon that lower tier municipality in that year and the net amount shall be included in the levy of the lower tier municipality for purposes of section 302 of *The Municipal Act* and section 7 of this Act in that year.

Payment of
grants

R.S.O. 1970.
c. 284

2. Notwithstanding subsection 1 of section 9 of *The Ontario Unconditional Grants Act, 1975*, as re-enacted by section 1 of this Act, the Lieutenant Governor in Council may, by regulation, prescribe an alternative formula for determining the resource equalization grant to be paid in the year 1980 in respect of a lower tier municipality that, but for the alternative formula prescribed under this section,

Alternative
method of
determining
resource
equalization
grant in
1980

would experience a decrease in its resource equalization grant by reason of a new equalization factor having been determined for such municipality in the year 1979 under section 71 of *The Assessment Act*, and any grant payable under the alternative formula shall be paid in accordance with subsection 2 of the said section 9.

R.S.O. 1970.
c. 32

s. 10 (1),
amended

3.—(1) Subsection 1 of section 10 of the said Act is amended by striking out "or county purposes" in the fourth line and by striking out "preceding" in the seventh line and inserting in lieu thereof "current".

s. 10 (3),
repealed

(2) Subsection 3 of the said section 10, as amended by the Statutes of Ontario, 1977, chapter 7, section 7, is repealed.

ss. 11, 12, 13,
repealed

4. Section 11, as amended by the Statutes of Ontario, 1977, chapter 7, section 8, and sections 12 and 13 of the said Act, are repealed.

s. 19 (1),
amended

5. Subsection 1 of section 19 of the said Act is amended by adding thereto the following clause:

(h) providing for estimating the resource equalization grant payable in respect of a lower tier municipality and the portion thereof attributable to the upper tier municipality and providing for using such estimated amount in place of the actual amount pending the final determination of the actual amount.

Regulations
limiting
undue shifts
in taxation

R.S.O. 1970.
c. 32

6.—(1) For purposes of limiting undue shifts in taxation in the year 1980 caused by the change in equalization factors resulting from a new determination in the year 1979 under section 71 of *The Assessment Act*, the Lieutenant Governor in Council may make regulations,

(a) notwithstanding the provisions of any general or special Act, to alter or determine the basis upon which and the manner in which apportionments levies and requisitions are made in the year 1980 by the councils of upper and lower tier municipalities; and by any local board, or class thereof, as specified in the regulations; and

(b) to provide for the payment of grants on such terms and conditions as are set out in the regulations to lower tier municipalities and to upper tier municipalities which municipalities would, despite the application of regulations made under clause (a), experience undue increases in taxation in the year 1980 by reason of the change in their equalization factor.

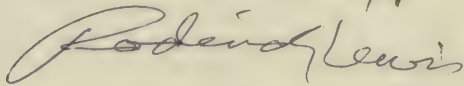
- (2) The moneys required for the purposes of subsection 1 shall be paid out of the moneys appropriated therefor by the Legislature. Moneys

7. Sub-subclause F of subclause ii of clause j of subsection 1 of section 507 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1974, chapter 136, section 21, is repealed. R.S.O. 1970.
c. 284.
s. 507 (1) (j).
(ii). F.
repealed

8. This Act comes into force on the 1st day of January, 1980. Commence-
ment

9. The short title of this Act is *The Ontario Unconditional Grants Amendment Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC. 20 19 79



CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Ontario Unconditional Grants
Act, 1975

1st Reading

December 6th, 1979

2nd Reading

December 11th, 1979

3rd Reading

December 18th, 1979

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

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ILL 195

1979

An Act to Amend The Regional Municipality of Peel Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 117 of *The Regional Municipality of Peel Act, 1973*, being chapter 60, as amended by the Statutes of Ontario, 1976, chapter 43, section 70, is repealed and the following substituted therefor:

s. 117 (1),
re-enacted

(1) The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an agricultural, business, educational, residential or vacation centre and the Regional Council may pass by-laws for establishing and maintaining a department for such purpose and for appointing a commissioner to be responsible for diffusing such information.

Expenditures
for
publicity

(1a) The Regional Corporation and other municipalities may pool their funds and act jointly for the purposes of subsection 1.

Pooling
of funds

- (2) Subsection 2 of the said section 117 is amended by striking out "and section 395 of *The Municipal Act* apply *mutatis mutandis*" in the first and second lines and inserting in lieu thereof "of *The Municipal Act* applies with necessary modifications".

s. 117 (2),
amended

- (3) Subsection 3 of the said section 117, as enacted by the Statutes of Ontario, 1973, chapter 161, section 7, is repealed.

s. 117 (3),
repealed

2. This Act comes into force on the 1st day of January, 1980.

Commence-
ment

3. The short title of this Act is *The Regional Municipality of Peel Amendment Act, 1979*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC. 30 1979

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

The Regional Municipality
of Peel Act, 1973

1st Reading

December 6th, 1979

2nd Reading

December 11th, 1979

3rd Reading

December 18th, 1979

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend The Labour Relations Act

THE HON. R. G. ELGIE
Minister of Labour

TORONTO

PRINTED BY J. C. THATCHER. QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 125 of *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1977, chapter 31, section 3, is amended by adding thereto the following subsection:

(2) Where an employer is represented by a designated or accredited employer bargaining agency, the employer shall be deemed to have recognized all of the affiliated bargaining agents represented by a designated or certified employee bargaining agency that bargains with the employer bargaining agency as the bargaining agents for the purpose of collective bargaining in their respective geographic jurisdictions in respect of the employees of the employer employed in the industrial, commercial or institutional sector of the construction industry referred to in clause *e* of section 106, except those employees for whom a trade union other than one of the affiliated bargaining agents holds bargaining rights.

2. The said Act is amended by adding thereto the following section: s. 131a, enacted

131a.—(1) An application for certification as bargaining agent for the employees of an employer employed in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106 may only be brought by a designated or certified employee bargaining agency on behalf of all the affiliated bargaining agents it represents, and the unit of employees that is appropriate for collective bargaining shall be those employees who would be bound by a provincial agreement.

(2) A voluntary recognition agreement pertaining to employees employed in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106 shall only be between the employer of the said employees and a designated or certified employee bargaining agency on behalf of

all the affiliated bargaining agents it represents and the defining bargaining unit shall only be those employees who would be bound by a provincial agreement.

Exception

(3) Notwithstanding subsections 1 and 2, a trade union that is not represented by a designated or certified employee bargaining agency may bring an application for certification or enter into a voluntary recognition agreement on its own behalf.

s. 134 (2),
re-enacted

3. Subsection 2 of section 134 of the said Act, as enacted by the Statute of Ontario, 1977, chapter 31, section 3, is repealed and the following substituted therefor:

Provincial
agreement
binding

(2) A provincial agreement is, subject to and for the purposes of this Act, binding upon the employer bargaining agency, the employers represented by the employer bargaining agency, the employee bargaining agency, the affiliated bargaining agents represented by the employee bargaining agency, the employees represented by the affiliated bargaining agents and employed in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106, and upon such employers, affiliated bargaining agents and employees as may be subsequently bound by the said agreement.

ss. 134a, 134b,
enacted

4. The said Act is further amended by adding thereto the following sections:

Calling of
strikes

134a.—(1) Where an employee bargaining agency desires to call or authorize a lawful strike, all of the affiliated bargaining agents it represents shall call or authorize the strike in respect of all the employees represented by all affiliated bargaining agencies affected thereby in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106, and no affiliated bargaining agent shall call or authorize a strike of such employees except in accordance with this subsection.

Calling of
lock-outs

(2) Where an employer bargaining agency desires to call or authorize a lawful lock-out, all employers it represents shall call or authorize the lock-out in respect of all employees employed by such employers and represented by all the affiliated bargaining agents affected thereby in the industrial, commercial and institutional sector of the construction industry referred to in clause *e* of section 106 and no employer shall lock out such employees except in accordance with this subsection.

Time for
ratification

134b.—(1) Where a memorandum of settlement of the terms of a provincial agreement is subject to ratification, the ratification shall take place within thirty days of the signing of the memorandum of settlement.

(2) Where ratification or rejection of a memorandum of settlement of the terms of a provincial agreement does not take place within the period of thirty days, the memorandum of settlement shall come into effect as though it had been ratified and shall constitute a provincial agreement.

Effect of failure to ratify within prescribed time

5. This Act comes into force on the 1st day of May, 1980.

Commencement

6. The short title of this Act is *The Labour Relations Amendment Act*, 1979.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC. 20 19 79

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Labour Relations Act

1st Reading

December 11th, 1979

2nd Reading

December 18th, 1979

3rd Reading

December 19th, 1979

THE HON. R. G. ELGIE
Minister of Labour

Pauline
BILL 209

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to amend
The Workmen's Compensation Act

THE HON. R. G. ELGIE
Minister of Labour

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clauses *a, c, d, e* and *f* of subsection 1 of section 36 of *The Workmen's Compensation Act*, being chapter 505 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1978, chapter 54, section 1, are repealed and the following substituted therefor:

s. 36 (1) (*a, c, d, e, f*),
re-enacted

- (a) the necessary expenses of the burial or cremation of the employee, not exceeding \$1,000;

- (c) where the widow or widower is the sole dependant, a monthly payment of,

(i) \$372, effective the 1st day of July, 1978, and

(ii) \$410, effective the 1st day of July, 1979;

- (d) where the dependants are a widow or a widower and one or more children, a monthly payment of,

(i) \$372 with an additional monthly payment of \$101 to be increased upon the death of the widow or widower to \$115 for each child under the age of sixteen years, effective the 1st day of July, 1978, and

(ii) \$410 with an additional monthly payment of \$112 to be increased upon the death of the widow or widower to \$127 for each child under the age of sixteen years, effective the 1st day of July, 1979;

(e) where the dependants are children, for each child under the age of sixteen years, a monthly payment of,

(i) \$115, effective the 1st day of July, 1978, and

(ii) \$127, effective the 1st day of July, 1979;

(f) where there are dependants other than those mentioned in clauses *c*, *d* and *e*, and there are no dependants who are persons referred to in the said clauses, a sum reasonable and proportionate to the pecuniary loss of such first-mentioned dependants occasioned by the death, to be determined by the Board, but not exceeding in the whole,

(i) \$372 a month effective the 1st day of July, 1978, and

(ii) \$410 a month effective the 1st day of July, 1979.

Application

(2) Clause *a* of subsection 1 of section 36 of the said Act, re-enacted by subsection 1 of this section, applies only where the death occurs on or after the 1st day of July, 1979.

Idem

(3) Clauses *c*, *d*, *e* and *f* of subsection 1 of the said section 36, re-enacted by subsection 1 of this section, apply to payments accruing after the effective dates but nothing therein entitles any person to claim additional compensation for any period prior to the effective dates.

Idem

(4) The amounts payable under clauses *c*, *d*, *e* and *f* of subsection 1 of the said section 36, as re-enacted by subsection 1 of this section, do not apply to a lump sum award or to payments due prior to the effective dates.

s. 36 (7),
re-enacted

2.—(1) Subsection 7 of the said section 36, as re-enacted by the Statutes of Ontario, 1978, chapter 54, section 2, is repealed and the following substituted therefor:

Payment of
lump sum

(7) In addition to any other compensation provided for, the widow or widower, or where the employee leaves no widow or widower, the person described in subsection 6, is entitled to a lump sum of \$1,000.

Application

(2) Subsection 7 of section 36 of the said Act, as re-enacted by subsection 1 of this section, applies only where the death occurs on or after the 1st day of July, 1979.

s. 41a,
re-enacted

3. Section 41a of the said Act, as enacted by the Statutes of Ontario, 1975, chapter 47, section 5, is repealed and the following substituted therefor:

41a.—(1) Where the employee is not working and is in receipt of temporary disability benefits and has continuously received temporary disability benefits for the immediately preceding twelve months, the Board shall adjust the rate of compensation being paid by adding thereto an additional 10 per cent of the compensation rate being paid but the compensation rate so adjusted shall not exceed the maximum established by sections 39 and 44.

Adjustment
of rate of
compensation
for temporary
disability
benefits

(2) Subsection 1 applies to payments accruing on and after the 1st day of July, 1979, but nothing therein entitles any person to claim additional compensation for any period prior to the day next following the end of the twelve-month period referred to in subsection 1 and nothing therein entitles any person to more than one adjustment to his rate of compensation under subsection 1.

Application

4. Subsection 8, as enacted by the Statutes of Ontario, 1974, chapter 70, section 3, subsections 8a and 8b, as enacted by the Statutes of Ontario, 1975, chapter 47, section 6, subsection 8c, as enacted by the Statutes of Ontario, 1978, chapter 54, section 3, subsection 9, as re-enacted by the Statutes of Ontario, 1978, chapter 54, section 3, and subsection 10, as enacted by the Statutes of Ontario, 1975, chapter 47, section 6, of section 42 of the said Act, are repealed and the following substituted therefor:

s. 42 (8-10),
re-enacted

(8) The amounts payable under this section shall be increased where the injury occurred on or before the 31st day of December, 1977, by adding thereto a factor of 2 per cent effective the 1st day of July, 1978.

Increase in
payments

(9) The amounts payable under this section shall be increased where the injury occurred during the period commencing the 1st day of January, 1978, and ending the 30th day of June, 1978, by adding thereto a factor of 8 per cent effective the 1st day of July, 1978.

Idem

(10) The amounts payable under this section shall be increased where the injury occurred on or before the 30th day of June, 1979, by adding thereto a factor of 10 per cent effective the 1st day of July, 1979, but the amounts of compensation to which an employee is entitled shall not exceed the like proportion of 75 per cent of the rate of average earnings computed under subsection 1 of section 44 effective on the 1st day of July, 1979, for amounts accruing on and after the 1st day of July, 1979.

Idem

(11) Subsections 8, 9 and 10 do not apply to a lump sum award previously made by the Board under this Part, including an award that was previously commuted or paid as a lump sum under subsection 4, an award under subsection 6 or an award under clause b of section 43.

Non-applica-
tion of
subss. (4, 6,
8-10),
s. 43 (b)

s. 43,
re-enacted

5.—(1) Section 43 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 54, section 4, is repealed and the following substituted therefor:

Minimum
amount of
compensation

43. Notwithstanding anything to the contrary in this Part, the amount of compensation to which an injured employee is entitled shall not be less than,

(a) for temporary total disability,

- (i) \$117 a week where his average earnings were not less than \$117 a week for the period from the 1st day of July, 1978 to and including the 30th day of June, 1979,
- (ii) the amount of his earnings where his average earnings were less than \$117 a week for the period referred to in subclause i,
- (iii) \$129 a week where his average earnings were not less than \$129 a week, from the 1st day of July 1979, and
- (iv) the amount of his earnings where his average earnings are less than \$129 a week from the 1st day of July, 1979,

and for temporary partial disability, a proportionate amount in accordance with the impairment of earning capacity; and

(b) for permanent disability, the pension computed in accordance with sections 42 and 44, but the amount of such pension shall not be less than,

(i) for permanent total disability,

- 1. \$519 a month for the period from the 1st day of July, 1978, to and including the 30th day of June, 1979, and
- 2. \$571 a month from the 1st day of July 1979, and

(ii) for permanent partial disability, an amount proportionate to that mentioned in subclause i in accordance with the impairment of earning capacity; or

- (c) alternatively to subclause *i* of clause *b*, for permanent total disability the benefits which would have been payable from time to time under clauses *c*, *d* and *e* of subsection 1 of section 36 and under section 38, as if he had died from the injury.

- (2) Subclauses *i* and *ii* of clause *a* of section 43 of the said Act, as re-enacted by subsection 1 of this section, apply to accidents occurring on and after the 1st day of July, 1978 and prior to the 1st day of July, 1979, but nothing therein entitles a person to claim additional compensation for any period prior to the 1st day of July, 1978. ^{Application}

- (3) Subclauses *iii* and *iv* of clause *a* of the said section 43, as re-enacted by subsection 1 of this section, apply to accidents occurring on and after the 1st day of July, 1979, but nothing therein entitles a person to claim additional compensation for any period prior to the 1st day of July, 1979. ^{Idem}

- (4) Clauses *b* and *c* of the said section 43, as re-enacted by subsection 1 of this section, apply to payments accruing on and after the 1st day of July, 1978, but nothing therein entitles a person to claim additional compensation for any period prior to the 1st day of July, 1978. ^{Idem}

- 6.—(1) Subsection 1 of section 44 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, 1975, chapter 47, section 10 and 1978, chapter 54, section 5; is further amended by striking out “\$16,200” in the amendment of 1978 and inserting in lieu thereof “\$18,500”. ^{s. 44 (1), amended}

- (2) Subsection 1 of section 44 of the said Act, as amended by subsection 1 of this section, applies to accidents occurring on and after the 1st day of July, 1979, and to benefits arising under subsection 1 of section 41*a* and subsection 10 of section 42 of the Act, as re-enacted by sections 4 and 5 of this Act, but does not apply to a commutation lump sum award previously made, including an award under subsection 4 of section 42, or to an award made under subsection 6 of section 42, or to an award under clause *b* of section 43 of the Act, and nothing in subsection 1 of this section entitles any person to claim additional compensation for any period prior to the 1st day of July, 1979. ^{Application}

- 7.—(1) Clause *b* of subsection 3 of section 51 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 54, section 6, is repealed and the following substituted therefor: ^{s. 51 (3) (b), re-enacted}

- (b) on application, an allowance not exceeding \$240 per annum for the replacement or repair of clothing worn or

damaged by reason of the wearing of a lower limb prosthesis or a back brace for a permanent back disability or a permanent leg brace, and not exceeding \$120 per annum in respect of an upper limb prosthesis, where such lower or upper limb prosthesis, back brace or permanent leg brace is supplied by the Board,

Application

- (2) Clause *b* of subsection 3 of section 51 of the said Act, as re-enacted by subsection 1 of this section, applies to payments accruing on and after the 1st day of July, 1979, but nothing therein entitles any person to claim additional payment for any period before the 1st day of July, 1979.

Commencement

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. The short title of this Act is *The Workmen's Compensation Amendment Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

DEC. 20 19 79

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Workmen's Compensation Act

1st Reading

December 19th, 1979

2nd Reading

December 20th, 1979

3rd Reading

December 20th, 1979

THE HON. R. G. ELGIE
Minister of Labour

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act for granting to Her Majesty certain sums of money for
the Public Service for the fiscal year ending the 31st day of
March, 1980

THE HON. F. S. MILLER
Treasurer of Ontario and Minister of Economics

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 212

1979

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1980

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable Pauline M. McGibbon, Lieutenant Governor of the Province of Ontario, and from the estimates and supplementary estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1980; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$13,675,551,800 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1979, to the 31st day of March, 1980, as set forth in the Schedule to this Act, and, subject to subsection 2, such sum shall be paid and applied only in accordance with the votes and items of the estimates and supplementary estimates upon which the Schedule is based. ^{\$13,675,551,800 granted for fiscal year 1979-80}

(2) Where, in the fiscal year ending the 31st day of March, 1980, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates and supplementary estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Management Board of Cabinet to the ministry administered by the minister to whom the powers and duties are so assigned and transferred. ^{Exception}

2. The due application of all moneys expended under this Act shall be accounted for to Her Majesty. ^{Accounting for expenditure}

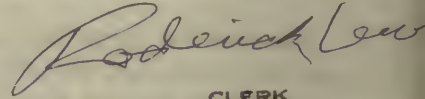
Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is *The Supply Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC. 20, 1979



CLERK
LEGISLATIVE ASSEMBLY

SCHEDULE

	ESTIMATES	SUPPLE- MENTARY ESTIMATES	TOTAL
	\$	\$	\$
Office of the Lieutenant Governor	127,000		127,000
Office of the Premier	1,639,400		1,639,400
Cabinet Office	1,255,000		1,255,000
Management Board	98,746,500		98,746,500
Government Services	271,774,800		271,774,800
Intergovernmental Affairs	548,114,000		548,114,000
Northern Affairs	141,707,000		141,707,000
Revenue	190,605,300		190,605,300
Treasury and Economics	23,057,300	165,000,000	188,057,300
Office of the Assembly	19,095,400		19,095,400
Office of the Provincial Auditor	2,360,000		2,360,000
Office of the Ombudsman	4,172,000		4,172,000
Justice Policy	736,400		736,400
Attorney General	148,419,000		148,419,000
Consumer and Commercial Relations	63,907,000		63,907,000
Correctional Services	131,426,100		131,426,100
Solicitor General	174,481,900		174,481,900
Resources Development Policy	3,696,300		3,696,300
Agriculture and Food	169,338,200		169,338,200
Energy	15,405,000		15,405,000
Environment	283,289,200		283,289,200
Housing	268,334,000		268,334,000
Industry and Tourism	64,621,100		64,621,100
Labour	39,652,600		39,652,600
Natural Resources	261,414,300		261,414,300
Transportation and Communications	1,134,068,000		1,134,068,000
Social Development Policy	2,395,400		2,395,400
Colleges and Universities	1,429,974,000	8,023,400	1,437,997,400
Community and Social Services	1,318,079,300		1,318,079,300
Culture and Recreation	189,180,800		189,180,800
Education	2,318,845,100		2,318,845,100
Health	4,182,611,000		4,182,611,000
TOTAL	13,502,528,400	173,023,400	13,675,551,800

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1980

1st Reading

December 20th, 1979

2nd Reading

December 20th, 1979

3rd Reading

December 20th, 1979

THE HON. F. S. MILLER
Treasurer of Ontario and Minister
of Economics

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act respecting the Town of Niagara-on-the-Lake

MR. KERRIO

BILL Pr1

1979

An Act respecting the Town of Niagara-on-the-Lake

Preamble

WHEREAS The Corporation of the Town of Niagara-on-the-Lake, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of the Corporation may enter into an agreement with the owner or occupant of a building or structure to be erected or used providing for relief, to the extent set out in the agreement, from any requirement in any by-law of the Corporation for the provision or maintenance of parking facilities on land that is not part of a highway, and exempting such owner or occupant, to the extent specified in the agreement, from the necessity of providing or maintaining such facilities.

Agreements
for relief
from
requirements
to provide
parking

(2) Every agreement referred to in subsection 1 shall,

Agreements
approved by
mortgagees
and O.M.B.

- (a) be executed by all prior mortgagees or other encumbrancers to postpone their encumbrance in favour of the said agreement and be subject to the approval of the Ontario Municipal Board given either before or after the execution thereof; and
- (b) require the payment to the Corporation of a sum of money therein set out, either in a lump sum or by instalments, together with interest at a rate therein specified, and shall set forth the basis upon which the sum is computed.

(3) All moneys paid or to be paid pursuant to an agreement made pursuant to subsection 1 shall be paid into a special account and may be invested in such securities as a

Payments
under
agreements
held as fund
for purpose
of parking
facilities

R.S.O. 1970,
cc. 470, 284

trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the moneys in such special account shall be expended for the same purposes and in the same manner as a reserve fund provided for in paragraph 72 of section 352 of *The Municipal Act*.

Registration
of agreement
imposes
lien on
land

(4) An agreement made pursuant to subsection 1 may be registered against the title of the land affected thereby in the proper land registry office and when so registered, the amounts payable under the agreement, until paid, shall be a lien or charge upon the lands described therein and in the event of a default of payment for a period of one year from the date any payment is due, such sum may be collected in the same manner and with the same remedies as provided by *The Municipal Affairs Act* for the collection of real property taxes, and, upon payment in full of the moneys to be paid under the agreement or upon termination of the agreement, the clerk of the Corporation shall, at the request of the owner of the land or other person entitled under the agreement, provide a certificate in a form registrable in the proper land registry office, stating that the moneys to be paid under the agreement have been fully paid or that the agreement has been terminated.

R.S.O. 1970,
c. 118

Audit
of fund

(5) The Corporation auditor, in his annual report, shall report on the activities and position of any special account established under this section.

By-law
levying
parking lot
cost against
defined
area
R.S.O. 1970,
c. 284

2. Where the council of the Corporation, with the approval of the Ontario Municipal Board, has passed a by-law under paragraph 72 of section 352 of *The Municipal Act*, which provides that the capital cost or any part thereof, the annual rental payable under any lease or any operating deficit in the previous year shall be levied against specified parcels of land within a defined area and, subsequent to the effective date of the by-law imposing the levy, the council is of the opinion that,

- (a) there has been an increase or decrease in special benefit derived therefrom by a parcel of land in the defined area against which a portion of the cost has been levied;
- (b) a parcel of land in the defined area has begun to derive or has ceased to derive a special benefit therefrom; or
- (c) a parcel of land outside the defined area has begun to derive a special benefit therefrom,

the council may from time to time by a by-law, passed with the approval of the Ontario Municipal Board,

(d) redefine the area in the municipality that, in the opinion of the council, contains the lands that derive a special benefit from the by-law; and

(e) reapportion the balance of the cost mentioned in subclause i of clause g of paragraph 72 of section 352 of *The Municipal Act*, so that such cost shall be apportioned against each parcel of land that, in the opinion of the council, derives such special benefit.

R.S.O. 1970,
c. 284

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. The short title of this Act is *The Town of Niagara-on-the-Lake Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 14, 1979

Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY

10

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
CHICAGO, ILLINOIS
JANUARY 10, 1925

TO THE HONORABLE CHAIRMAN
OF THE BOARD OF TRUSTEES
OF THE UNIVERSITY OF CHICAGO

SIR: I have the honor to acknowledge the receipt of your letter of the 7th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

Very respectfully,
J. H. VAN VLIET
Professor of Chemistry

Enclosed for the Board of Trustees are two copies of a report on the progress of the work of the Department of Chemistry during the year 1924. The report contains a summary of the work done by the various members of the department and a statement of the financial condition of the department.

I am, Sir, very truly,
Your obedient servant,
J. H. VAN VLIET

Very truly,
J. H. VAN VLIET
Professor of Chemistry

An Act respecting the Town of
Niagara-on-the-Lake

1st Reading

May 8th, 1979

2nd Reading

June 4th, 1979

3rd Reading

June 4th, 1979

MR. KERRIO

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to revive
Portuguese Club of London Incorporated**

MR. PETERSON

BILL Pr2

1979

An Act to revive Portuguese Club of London Incorporated

WHEREAS Jose U. Alves and Antero D'Melo hereby Preamble
 represent that Portuguese Club of London Incorporated,
 hereinafter called the Corporation, was incorporated by
 letters patent dated the 11th day of March, 1970, that the
 Ministry of Consumer and Commercial Relations by order
 dated the 12th day of March, 1975, and made under the
 authority of subsection 9 of section 347 of *The Corporations* R.S.O. 1970,
c. 89
Act, cancelled the letters patent of the Corporation for
 default in filing annual returns and declared the Corporation
 to be dissolved on the 16th day of April, 1975; that the
 applicants were both directors and members in good standing
 of the Corporation at the time of its dissolution; that the
 notice of default in filing annual returns, although sent to
 each of the applicants as directors, was not received by
 either of them and neither of them was aware of the dissolu-
 tion of the Corporation until more than two years after the
 date thereof; that the Corporation at the time of its dissolu-
 tion was carrying on the activities authorized by its letters
 patent and those activities have continued to be carried
 on in the name of the Corporation since the time of its
 dissolution; and whereas the applicants hereby apply for
 special legislation reviving the Corporation; and whereas it
 is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. Portuguese Club of London Incorporated is hereby Portuguese
Club of
London
Incorporated
revived
 revived and is, subject to any rights acquired by any person
 after its dissolution, hereby restored to its legal position as a
 corporation incorporated by letters patent, including all its
 property, rights, privileges and franchises, and subject to all
 its liabilities, contracts, disabilities and debts as of the date
 of its dissolution in the same manner and to the same extent
 as if it had not been dissolved.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Portuguese Club of London Incorporated Act, 1979*.

ASSSENTED TO BY LIEUTENANT-GOVERNOR

MAY 3 1979

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to revive
Portuguese Club of London Incorporated

1st Reading

March 12th, 1979

2nd Reading

April 23rd, 1979

3rd Reading

April 23rd, 1979

MR. PETERSON

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act respecting the Financing of
The Huronia District Hospital**

MR. SMITH (Simcoe East)

BILL Pr4

1979

An Act respecting the Financing of The Huronia District Hospital

WHEREAS the Corporation of the Township of Tiny, ^{Preamble}
The Corporation of the Township of Tay, The Corporation of the Township of Medonte, The Corporation of the Town of Midland, The Corporation of the Village of Port McNicoll, The Corporation of the Village of Victoria Harbour and The Huronia District Hospital, herein respectively called the Township of Tiny, the Township of Tay, the Township of Medonte, the Town of Midland, the Village of Port McNicoll, the Village of Victoria Harbour and the Hospital, hereby represent that by an agreement between the Township of Tiny and the Hospital, the Township of Tiny agreed to provide the funds for a new hospital in the said Township; that by separate agreements between the Township of Tiny and each of the other previously recited municipalities, the other municipalities agreed to share with the said Township in providing funds for the new hospital; that the Hospital was previously known as St. Andrews Hospital; that a true copy of the agreement between the Hospital and the Township of Tiny is set out in Schedule 1 hereto; that true copies of the agreements between the Township of Tiny and the said municipalities are set out in Schedule 2 and the agreements are all in the same form; that the Township of Tiny was to provide the funds to the Hospital by issuing debentures; that the new hospital is now completed; that the approval of the Ontario Municipal Board has not been obtained; and whereas the applicants hereby apply for special legislation validating all of the said agreements, authorizing the construction of the new hospital, authorizing the Township of Tiny to pass the necessary borrowing by-law in respect of the said debentures and authorizing the debentures to be issued, all without the approval of the Ontario Municipal Board; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Agreements
declared
valid and
binding

1. Notwithstanding the provisions of any general or special Act,

- (a) the agreement between the Township of Tiny and the Hospital dated the 31st day of October, 1974 as set out in Schedule 1 hereto is declared to be valid and binding upon the Township of Tiny and the ratepayers and inhabitants of the said Township and upon the Hospital;
- (b) By-law 31-74 of the Township of Tiny, as set out in Schedule A to the agreement referred to in sub-clause i of clause c, authorizing the agreement referred to in clause a, is hereby declared valid, in full force and effect and binding upon the Township of Tiny and its ratepayers and inhabitants and the said By-law is deemed to have been approved by the Ontario Municipal Board; and
- (c) the agreements between the Townships of Tiny and,
 - (i) the Town of Midland, dated the 9th day of September, 1974, as set out in paragraph 1 of Schedule 2,
 - (ii) the Township of Tay, dated the 31st day of October, 1974, as set out in paragraph 2 of Schedule 2,
 - (iii) the Township of Medonte, dated the 17th day of September, 1974, as set out in paragraph 3 of Schedule 2,
 - (iv) the Village of Port McNicoll, dated the 21st day of October, 1974, as set out in paragraph 4 of Schedule 2, and
 - (v) the Village of Victoria Harbour, dated the 23rd day of September, 1974, as set out in paragraph 5 of Schedule 2,

are hereby declared to be valid and binding upon the parties to each agreement and upon the ratepayers and inhabitants of each of the said municipalities.

By-law of
the
Township of
Tiny
ratified

2. The council of the Township of Tiny is hereby authorized to pass a by-law, without obtaining the approval of the Ontario Municipal Board, authorizing the borrowing of a sum not to exceed \$2,000,000 upon the credit of the

Township of Tiny, and the issuing of debentures, payable in instalments within fifteen years, for the purpose of paying the grant to the Hospital as provided for in the agreement set out in Schedule 1 hereto.

3. The provisions of sections 58 to 60 of *The Ontario Municipal Board Act* as to certifying the validity of debentures and the certificate of the Board as set out in section 60 of that Act apply, with necessary modifications, in respect of the debentures issued under the by-law passed pursuant to section 2.

4. For the purposes of every Act, the Ontario Municipal Board shall be deemed to have issued orders under sections 63 and 64 of *The Ontario Municipal Board Act*,

Application
of
R.S.O. 1970,
c. 323,
ss. 58-60

Orders of
O.M.B.
deemed
issued
R.S.O. 1970,
c. 323

- (a) authorizing the construction of the new hospital referred to in the Preamble;
- (b) authorizing the Township of Tiny to issue the debentures referred to in section 2;
- (c) authorizing each of the municipalities named in the Preamble to enter into the agreements referred to in section 1; and
- (d) dispensing with the assent of the electors of each of the municipalities named in the Preamble with respect to any debt arising under the agreements referred to in section 1.

5. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

6. The short title of this Act is *The Huronia District Hospital Act, 1979*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR MAY 18 1979

Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY

SCHEDULE 1

Agreement between Huronia District Hospital (formerly St. Andrews Hospital) and the Township of Tiny.

THIS AGREEMENT made in duplicate this 31st day of October, A.D. 1974.

BETWEEN:

ST. ANDREWS HOSPITAL, a public hospital,
(hereinafter called the "HOSPITAL")

OF THE FIRST PART;

—and—

THE CORPORATION OF THE TOWNSHIP OF TINY,
(hereinafter called "TINY")

OF THE SECOND PART.

WHEREAS St. Andrews Hospital now operates a public hospital in the Town of Midland, and intends to erect in the Township of Tiny a public hospital to replace the existing hospital.

AND WHEREAS St. Andrews Hospital will receive grants and funds for the erection, establishment and equipping of the said new hospital from governments and other sources.

AND WHEREAS the Township of Tiny has agreed to provide to St. Andrews Hospital all of the funds needed by it to erect, establish and equip the new hospital less those funds received by St. Andrews Hospital from all sources for such purposes, and less the funds St. Andrews Hospital will receive from the sale of the existing hospital property within the Town of Midland.

AND WHEREAS other local municipal corporations have agreed to share with the Corporation of the Township of Tiny, Tiny's grant as herein provided, on the basis of the number of admissions to the old and new hospitals for the residents of each municipality.

NOW THEREFORE WITNESSETH that the parties hereto undertake and agree as follows:

1. The hospital will establish and erect a public hospital on the west side of Old Penetanguishene Road on Part of the East half of Lot 108, Concession 1, Township of Tiny, County of Simcoe.

2. The Township of Tiny will grant aid to St. Andrews Hospital for the erection, establishment and equipment of a new public hospital within the Township of Tiny in an amount determined as follows:

A. The total costs of erection, establishment and equipment of the proposed hospital as approved by the Province of Ontario or its commissions, including all financing costs, less:

(i) all sums received by St. Andrews Hospital from the Province of Ontario or its commissions,

(ii) all sums received from the Government of Canada,

- (iii) all sums received from the County of Simcoe and/or the District of Muskoka, or the Township of Georgian Bay,
- (iv) all sums received by St. Andrews Hospital as proceeds of the sale of its present hospital building and lands and equipment within the Town of Midland,
- (v) all sums of money and assets of St. Andrews Hospital held by it for the construction and equipment of the new hospital.

3. St. Andrews Hospital shall proceed to obtain all necessary approvals for the erection and establishment of such a public hospital, and shall enter into all necessary contracts for the construction and equipping of such hospital.

4. St. Andrews Hospital shall arrange for such temporary financing as may be necessary to finance:

- A. the costs of construction of the hospital and the purchase of equipment,
- B. the cost of financing the grant of the County of Simcoe,
- C. such other temporary financing as may be necessary to effect these purposes.

5. The Township of Tiny will forthwith upon the completion of the hospital issue debentures for the said costs and grant herein provided to bear interest at such rate as the Council may determine and be made payable within fifteen years on the installment plan.

6. It is understood and agreed between the parties hereto that Tiny has entered into agreements with other surrounding and participating municipalities for reimbursement from such municipalities to the Township of Tiny. It is further understood and agreed between the parties hereto that the Town of Penetanguishene has to the present time refused to participate in such a scheme for reimbursement and the Hospital therefore undertakes and agrees with Tiny to pay to Tiny the share of cost attributable to the Town of Penetanguishene so long as the Town of Penetanguishene refuses to so participate. The Hospital shall therefore pay to Tiny such amounts on such terms and in such manner in the place of the Town of Penetanguishene as if the Corporation of the Township of Tiny had entered an agreement with the Corporation of the Town of Penetanguishene in the same form as those agreements entered into between the Corporation of the Township of Tiny and the other participating municipalities.

7. This agreement shall be binding upon the parties hereto and their successors and assigns.

WITNESS the Corporate Seal of the Township of Tiny and the signatures for St. Andrews Hospital by its proper signing officers.

ST. ANDREWS HOSPITAL

THE CORPORATION OF THE TOWNSHIP
OF TINY

Reeve

Clerk

I, Guy L. Maurice, Clerk Administrator of the Township of Tiny do certify under my hand and the Corporate Seal that the foregoing is a true copy of an agreement between the St. Andrews Hospital and the Township of Tiny.

Guy L. Maurice, *Clerk-Administrator*.

SCHEDULE 2

Agreements, related to the Huronia District Hospital, between the Township of Tiny and other municipalities.

1. THIS AGREEMENT made in duplicate this 9th day of September, A.D. 1974.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF TINY,
(hereinafter called "Tiny")

OF THE FIRST PART;

—and—

THE CORPORATION OF THE TOWN OF MIDLAND,
(hereinafter called "Midland")

OF THE SECOND PART.

WHEREAS Tiny has given two readings to By-law Number 31-74, a By-law to make a grant to The Corporation of St. Andrews Hospital for the erection, establishment and equipping of a new hospital in the Township of Tiny.

AND WHEREAS Midland has agreed to share with other participating municipalities portions of the costs of the new hospital by way of reimbursement to Tiny of its grant costs.

NOW THEREFORE WITNESSETH that the parties hereto undertake and agree as follows:

1. Tiny will give third reading to, and enact By-law Number 31-74 which said By-law shall be annexed hereto and made Schedule "A" to this Agreement.

2. Tiny will enter into agreements with each of the municipalities listed in Schedule "B" hereto, hereinafter called the participating municipalities, which said agreements shall be in this form.

3. Each participating municipality plus the Township of Tiny, plus the Town of Penetanguishene plus any other municipalities which agree hereafter to participate, shall each assume and pay in each year its portion of the costs of the grant from Tiny to The Corporation of St. Andrews

Hospital. The Town of Penetanguishene has refused to participate at the present time and The Corporation of St. Andrews Hospital has agreed to pay to Tiny the share of cost attributable to the Town of Penetanguishene so long as the Town of Penetanguishene refuses to participate. Each of the aforesaid municipalities shall in each year assume as its share an amount based upon the number of admissions of residents of the municipality in the hospital of The Corporation of St. Andrews Hospital existing in each previous calendar year, in the ratio that the number of admissions of residents of each municipality bears to the total number of admissions of the residents of all said municipalities, with the result that Tiny shall annually recover all of its grant costs less the portion attributable to it because of use of the hospital of The Corporation of St. Andrews Hospital by its residents. Prior to the first year of the Tiny debenture repayment, each participating municipality plus Tiny, plus The Corporation of St. Andrews Hospital for the Town of Penetanguishene shall annually collectively contribute the sum of \$118,736.00 shared by the said parties on the above formula, payments to be made on June 30th of each year commencing in 1975, which said sums will be held by Tiny in a reserve. The said principal sum and earned interest thereon shall be applied by Tiny at the time of the debenture toward the reduction of the sum debentured, or the reduction of the debenture term as may be agreed by all municipalities, or shall be forwarded to The Corporation of St. Andrews Hospital as received by Tiny to be applied by The Corporation of St. Andrews Hospital toward construction costs of the new facility.

4. The County of Simcoe has agreed to make a grant to The Corporation of St. Andrews Hospital for the hospital construction payable over a term of years. The capital sum of the said grant will be required during construction and will be financed by a loan from an appropriate lending institution. The costs of the loan will be a part of the grant from Tiny to The Corporation of St. Andrews Hospital, and Midland agrees to assume and pay its portion of such costs in the ratio hereinbefore provided.

5. Midland shall make the payments to Tiny as herein provided on or before the 30th day of June in each year.

6. This agreement shall be binding upon the parties hereto and their successors and assigns.

WITNESS the Corporate Seals of the Township of Tiny and the Town of Midland affixed hereto duly attested to by their proper signing officers.

THE CORPORATION OF THE TOWNSHIP
OF TINY

Reeve

Clerk

THE CORPORATION OF THE TOWN OF
MIDLAND

Mayor

Clerk

I, Guy L. Maurice, Clerk of the Township of Tiny do certify under my hand and the corporate seal that the foregoing is a true copy of an agreement between the Township of Tiny and the Town of Midland.

Guy L. Maurice, *Clerk.*

Schedule A

(To the Agreement between the Township of Tiny and the Town of Midland)

TOWNSHIP OF TINY

By-Law No. 31-74

A By-law to authorize the granting of aid to St. Andrews Hospital for the erection, establishment and equipping of a new hospital by it within the Township of Tiny.

WHEREAS St. Andrews Hospital now operates a public hospital in the Town of Midland, and intends to erect in the Township of Tiny a public hospital to replace the existing hospital.

AND WHEREAS St. Andrews Hospital will receive grants and funds for the erection, establishment and equipping of the said new hospital from governments and other sources.

AND WHEREAS the Township of Tiny has agreed to provide to St. Andrews Hospital all of the funds needed by it to erect, establish and equip the new hospital less those funds received by St. Andrews Hospital from all sources for such purposes, and less the funds St. Andrews Hospital will receive from the sale of the existing hospital property within the Town of Midland.

AND WHEREAS other local municipal corporations have agreed to share with the Corporation of the Township of Tiny, Tiny's grant as herein provided, on the basis of the number of admissions to the old and new hospitals for the residents of each municipality.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF TINY ENACTS AND BE IT ENACTED AS FOLLOWS:

1. The Township of Tiny will grant aid to St. Andrews Hospital for the erection, establishment and equipment of a new public hospital within the Township of Tiny in an amount determined as follows:

A. The total costs of erection, establishment and equipment of the proposed hospital as approved by the Province of Ontario or its commissions, including all financing costs, less:

- (i) all sums received by St. Andrews Hospital from the Province of Ontario or its commissions,
- (ii) all sums received from the Government of Canada,
- (iii) all sums received from the County of Simcoe and/or the District of Muskoka, or the Township of Georgian Bay,
- (iv) all sums received by St. Andrews Hospital as proceeds of the sale of its present hospital building and lands and equipment within the Town of Midland,
- (v) all sums of money and assets of St. Andrews Hospital held by it for the construction and equipment of the new hospital.

2. St. Andrews Hospital shall proceed to obtain all necessary approvals for the erection and establishment of such a public hospital, and shall enter into all necessary contracts for the construction and equipping of such hospital.

3. St. Andrews Hospital shall arrange for such temporary financing as may be necessary to finance:

- A. the costs of construction of the hospital and the purchase of equipment,
- B. the cost of financing the grant of the County of Simcoe,
- C. such other temporary financing as may be necessary to effect these purposes.

4. The Township of Tiny will forthwith upon the completion of the hospital issue debentures for the said costs and grant herein provided to bear interest at such rate as the Council may determine and be made payable within fifteen years on the installment plan.

By-law read a first and second time this twenty-ninth day of August, 1974.

Reeve

Clerk

This By-law shall come into effect immediately or upon any necessary approval of the Ontario Municipal Board and other governmental authorities that may be required.

By-law read a third time and finally passed this 31st day of October, 1974.

Reeve

Clerk

Schedule B

(To the Agreement between the Township of Tiny and the Town of Midland)

LIST OF PARTICIPATING MUNICIPALITIES

Corporation of the Town of Midland

Corporation of the Township of Tay

Corporation of the Village of Port McNicoll

Corporation of the Village of Victoria Harbour

Corporation of the Township of Medonte

2. THIS AGREEMENT made in duplicate this 31st day of October, A.D. 1974.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF TINY,
(hereinafter called "Tiny"),

OF THE FIRST PART;

—and—

THE CORPORATION OF THE TOWNSHIP OF TAY,
(hereinafter called "Tay"),

OF THE SECOND PART.

WHEREAS Tiny has given two readings to By-law Number 31-74, a By-law to make a grant to The Corporation of St. Andrews Hospital for the erection, establishment and equipping of a new hospital in the Township of Tiny.

AND WHEREAS Tay has agreed to share with other participating municipalities portions of the costs of the new hospital by way of reimbursement to Tiny of its grant costs.

NOW THEREFORE WITNESSETH that the parties hereto undertake and agree as follows:

1. Tiny will give third reading to, and enact By-law Number 31-74 which said By-law shall be annexed hereto and made Schedule "A" to this Agreement.

2. Tiny will enter into agreements with each of the municipalities listed in Schedule "B" hereto, hereinafter called the participating municipalities, which said agreements shall be in this form.

3. Each participating municipality plus the Township of Tiny, plus the Town of Penetanguishene plus any other municipalities which agree hereafter to participate, shall each assume and pay in each year its portion of the costs of the grant from Tiny to The Corporation of St. Andrews Hospital. The Town of Penetanguishene has refused to participate at the present time and The Corporation of St. Andrews Hospital has agreed to pay to Tiny the share of cost attributable to the Town of Penetanguishene so long as the Town of Penetanguishene refused to participate. Each of the aforesaid municipalities shall in each year assume as its share an amount based upon the number of admissions of residents of the municipality in the hospital of The Corporation of St. Andrews Hospital existing in each previous calendar year, in the ratio that the number of admissions of residents of each municipality bears to the total number of admissions of residents of all said municipalities, with the result that Tiny shall annually recover all of its grant costs less the portion attributable to it because of use of the hospital of The Corporation of St. Andrews Hospital by its residents. Prior to the first year of the Tiny debenture repayment, each participating municipality plus Tiny, plus The Corporation of St. Andrews Hospital for the Town of Penetanguishene shall annually collectively contribute the sum of \$118,736.00 shared by the said parties on the above formula, payments to be made on June 30th of each year commencing in 1975, which said sums will be held by Tiny in a reserve. The said principal sum and earned interest thereon shall be applied by Tiny at the time of the debenture toward the reduction of the sum debentured, or the reduction of the debenture term as may be agreed by all municipalities,

or shall be forwarded to The Corporation of St. Andrews Hospital as received by Tiny to be applied by The Corporation of St. Andrews Hospital toward construction costs of the new facility.

4. The County of Simcoe has agreed to make a grant to The Corporation of St. Andrews Hospital for the hospital construction payable over a term of years. The capital sum of the said grant will be required during construction and will be financed by a loan from an appropriate lending institution. The costs of the loan will be a part of the grant from Tiny to The Corporation of St. Andrews Hospital, and Tay agrees to assume and pay its portion of such costs in the ratio hereinbefore provided.

5. Tay shall make the payments to Tiny as herein provided on or before the 30th day of June in each year.

6. This agreement shall be binding upon the parties hereto and their successors and assigns.

WITNESS the Corporate Seals of the Township of Tiny and the Township of Tay affixed hereto duly attested to by their proper signing officers.

THE CORPORATION OF THE TOWNSHIP
OF TINY

Reeve

Clerk

THE CORPORATION OF THE TOWNSHIP
OF TAY

Reeve

Clerk

I, Guy L. Maurice, Clerk-Administrator, of the Township of Tiny do certify under my hand and the corporate seal that the foregoing is a true copy of an agreement between the Township of Tiny and the Township of Tay.

Guy L. Maurice, *Clerk-Administrator*

SCHEDULES A AND B

(See Schedules A and B to the agreement between the Township of Tiny and the Town of Midland as set out in paragraph 1 of this Schedule)

3. THIS AGREEMENT made in duplicate this 17th day of September, A.D. 1974.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF TINY,
(hereinafter called "Tiny")

OF THE FIRST PART;

—and—

THE CORPORATION OF THE TOWNSHIP OF MEDONTE,
(hereinafter called "Medonte")

OF THE SECOND PART.

WHEREAS Tiny has given two readings to By-law Number 31-74, a By-law to make a grant to The Corporation of St. Andrews Hospital for the erection, establishment and equipping of a new hospital in the Township of Tiny.

AND WHEREAS Medonte has agreed to share with other participating municipalities portions of the costs of the new hospital by way of reimbursement to Tiny of its grant costs.

NOW THEREFORE WITNESSETH that the parties hereto undertake and agree as follows:

1. Tiny will give third reading to, and enact By-law Number 31-74 which said By-law shall be annexed hereto and made Schedule "A" to this Agreement.

2. Tiny will enter into agreements with each of the municipalities listed in Schedule "B" hereto, hereinafter called the participating municipalities, which said agreements shall be in this form.

3. Each participating municipality plus the Township of Tiny, plus the Town of Penetanguishene plus any other municipalities which agree hereafter to participate, shall each assume and pay in each year its portion of the costs of the grant from Tiny to The Corporation of St. Andrews Hospital. The Town of Penetanguishene has refused to participate at the present time and The Corporation of St. Andrews Hospital has agreed to pay to Tiny the share of cost attributable to the Town of Penetanguishene so long as the Town of Penetanguishene refuses to participate. Each of the aforesaid municipalities shall in each year assume as its share an amount based upon the number of admissions of residents of the municipality in the hospital of The Corporation of St. Andrews Hospital existing in each previous calendar year, in the ratio that the number of admissions of residents of each municipality bears to the total number of admissions of the residents of all said municipalities, with the result that Tiny shall annually recover all of its grant costs less the portion attributable to it because of use of the hospital of The Corporation of St. Andrews Hospital by its residents. Prior to the first year of the Tiny debenture repayment, each participating municipality plus Tiny, plus The Corporation of St. Andrews Hospital for the Town of Penetanguishene shall annually collectively contribute the sum of \$118,736.00 shared by the said parties on the above formula, payments to be made on June 30th of each year commencing in 1975, which said sums will be held by Tiny in a reserve. The said principal sum and earned interest thereon shall be applied by Tiny at the time of the debenture toward the reduction of the sum debentured,

or the reduction of the debenture term as may be agreed by all municipalities, or shall be forwarded to The Corporation of St. Andrews Hospital as received by Tiny to be applied by The Corporation of St. Andrews Hospital toward construction costs of the new facility.

4. The County of Simcoe has agreed to make a grant to The Corporation of St. Andrews Hospital for the hospital construction payable over a term of years. The capital sum of the said grant will be required during construction and will be financed by a loan from an appropriate lending institution. The Corporation of St. Andrews Hospital, and Medonte agrees to assume and pay its portion of such costs in the ratio hereinbefore provided.

5. Medonte shall make the payments to Tiny as herein provided on or before the 30th day of June in each year.

6. This agreement shall be binding upon the parties hereto and their successors and assigns.

WITNESS the Corporate Seals of the Township of Tiny and the Township of Medonte affixed hereto duly attested to by their proper signing officers.

THE CORPORATION OF THE TOWNSHIP
OF TINY

Reeve

Clerk

THE CORPORATION OF THE TOWNSHIP
OF MEDONTE

Reeve

Clerk

I, Guy L. Maurice, Clerk-Administrator of the Township of Tiny do certify under my hand and the corporate seal that the foregoing is a true copy of an agreement between the Township of Tiny and the Township of Medonte.

Guy L. Maurice, *Clerk-Administrator*

SCHEDULES A AND B

(See Schedules A and B to the agreement between the Township of Tiny and the Town of Midland as set out in paragraph 1 of this Schedule)

4. THIS AGREEMENT made in duplicate this 31st day of October, A.D. 1974.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF TINY,
(hereinafter called "Tiny"),

OF THE FIRST PART;

—and—

THE CORPORATION OF THE VILLAGE OF PORT McNICOLL,
(hereinafter called "Port McNicoll"),

OF THE SECOND PART.

WHEREAS Tiny has given two readings to By-law Number 31-74, a By-law to make a grant to The Corporation of St. Andrews Hospital for the erection, establishment and equipping of a new hospital in the Township of Tiny.

AND WHEREAS Port McNicoll has agreed to share with other participating municipalities portions of the costs of the new hospital by way of reimbursement to Tiny of its grant costs.

NOW THEREFORE WITNESSETH that the parties hereto undertake and agree as follows:

1. Tiny will give third reading to, and enact By-law Number 31-74 which said By-law shall be annexed hereto and made Schedule "A" to this Agreement.

2. Tiny will enter into agreements with each of the municipalities listed in Schedule "B" hereto, hereinafter called the participating municipalities, which said agreements shall be in this form.

3. Each participating municipality plus the Township of Tiny, plus the Town of Penetanguishene plus any other municipalities which agree hereafter to participate, shall each assume and pay in each year its portion of the costs of the grant from Tiny to The Corporation of St. Andrews Hospital. The Town of Penetanguishene has refused to participate at the present time and The Corporation of St. Andrews Hospital has agreed to pay to Tiny the share of cost attributable to the Town of Penetanguishene so long as the Town of Penetanguishene refuses to participate. Each of the aforesaid municipalities shall in each year assume as its share an amount based upon the number of admissions of residents of the municipality in the hospital of The Corporation of St. Andrews Hospital existing in each previous calendar year, in the ratio that the number of admissions of residents of each municipality bears to the total number of admissions of the residents of all said municipalities, with the result that Tiny shall annually recover all of its grant costs less the portion attributable to it because of use of the hospital of The Corporation of St. Andrews Hospital by its residents. Prior to the first year of the Tiny debenture repayment, each participating municipality plus Tiny, plus The Corporation of St. Andrews Hospital for the Town of Penetanguishene shall annually collectively contribute the sum of \$118,736.00 shared by the said parties on the above formula, payments to be made on June 30th of each year commencing in 1975, which said sums will be held by Tiny in a reserve. The said principal sum and earned interest thereon shall be applied by Tiny at the time of the debenture toward the reduction of the sum debentured, or the reduction of the debenture term as may be agreed by all municipalities,

or shall be forwarded to The Corporation of St. Andrews Hospital as received by Tiny to be applied by The Corporation of St. Andrews Hospital toward construction costs of the new facility.

4. The County of Simcoe has agreed to make a grant to The Corporation of St. Andrews Hospital for the hospital construction payable over a term of years. The capital sum of the said grant will be required during construction and will be financed by a loan from an appropriate lending institution. The costs of the loan will be a part of the grant from Tiny to The Corporation of St. Andrews Hospital, and Port McNicoll agrees to assume and pay its portion of such costs in the ratio hereinbefore provided.

5. Port McNicoll shall make the payments to Tiny as herein provided on or before the 30th day of June in each year.

6. This agreement shall be binding upon the parties hereto and their successors and assigns.

WITNESS the Corporate Seals of the Township of Tiny and the Village of Port McNicoll affixed hereto duly attested to by their proper signing officers.

THE CORPORATION OF THE TOWNSHIP
OF TINY

Reeve

Clerk

THE CORPORATION OF THE VILLAGE OF
PORT MCNICOLL

Reeve

Clerk

I, Guy L. Maurice, Clerk-Administrator of the Township of Tiny do certify under my hand and the corporate seal that the foregoing is a true copy of an agreement between the Township of Tiny and the Village of Port McNicoll.

Guy L. Maurice, *Clerk-Administrator*

SCHEDULES A AND B

(See Schedules A and B to the agreement between the Township of Tiny and the Town of Midland as set out in paragraph 1 of this Schedule)

5. THIS AGREEMENT made in duplicate this 23rd day of September, A.D. 1974.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF TINY,
(hereinafter called "Tiny"),

OF THE FIRST PART;

—and—

THE CORPORATION OF THE VILLAGE OF VICTORIA HARBOUR,
(hereinafter called "Victoria Harbour"),

OF THE SECOND PART.

WHEREAS Tiny has given two readings to By-Law Number 31-74, a By-law to make a grant to The Corporation of St. Andrews Hospital for the erection, establishment and equipping of a new hospital in the Township of Tiny.

AND WHEREAS Victoria Harbour has agreed to share with other participating municipalities portions of the costs of the new hospital by way of reimbursing to Tiny of its grant costs.

NOW THEREFORE WITNESSETH that the parties hereto undertake and agree as follows:

1. Tiny will give third reading to, and enact By-law Number 31-74 which said By-law shall be annexed hereto and made Schedule "A" to this Agreement.

2. Tiny will enter into agreements with each of the municipalities listed in Schedule "B" hereto, hereinafter called the participating municipalities, which said agreements shall be in this form.

3. Each participating municipality plus the Township of Tiny, plus the Town of Penetanguishene plus any other municipalities which agree hereafter to participate, shall each assume and pay in each year its portion of the costs of the grant from Tiny to The Corporation of St. Andrews Hospital. The Town of Penetanguishene has refused to participate at the present time and The Corporation of St. Andrews Hospital has agreed to pay to Tiny the share of cost attributable to the Town of Penetanguishene so long as the Town of Penetanguishene refuses to participate. Each of the aforesaid municipalities shall in each year assume as its share an amount based upon the number of admissions of residents of the municipality in the hospital of The Corporation of St. Andrews Hospital existing in each previous calendar year, in the ratio that the number of admissions of residents of each municipality bears to the total number of admissions of the residents of all said municipalities, with the result that Tiny shall annually recover all of its grant costs less the portion attributable to it because of use of the hospital of The Corporation of St. Andrews Hospital by its residents. Prior to the first year of the Tiny debenture repayment, each participating municipality plus Tiny, plus The Corporation of St. Andrews Hospital for the Town of Penetanguishene shall annually collectively contribute the sum of \$118,736.00 shared by the said parties on the above formula, payments to be made on June 30th of each year commencing in 1975, which said sums will be held by Tiny in a reserve. The said principal sum and earned interest thereon shall be applied by Tiny at the time of the debenture toward the reduction of the sum debentured,

or the reduction of the debenture term as may be agreed by all municipalities, or shall be forwarded to The Corporation of St. Andrews Hospital as received by Tiny to be applied by The Corporation of St. Andrews Hospital toward construction costs of the new facility.

4. The County of Simcoe has agreed to make a grant to The Corporation of St. Andrews Hospital for the hospital construction payable over a term of years. The capital sum of the said grant will be required during construction and will be financed by a loan from an appropriate lending institution. The costs of the loan will be a part of the grant from Tiny to The Corporation of St. Andrews Hospital, and Victoria Harbour agrees to assume and pay its portion of such costs in the ratio hereinbefore provided.

5. Victoria Harbour shall make the payments to Tiny as herein provided on or before the 30th day of June in each year.

6. This agreement shall be binding upon the parties hereto and their successors and assigns.

WITNESS the Corporate Seals of the Township of Tiny and the Village of Victoria Harbour affixed hereto duly attested to by their proper signing officers.

THE CORPORATION OF THE TOWNSHIP
OF TINY

Reeve

Clerk

THE CORPORATION OF THE VILLAGE OF
VICTORIA HARBOUR

Reeve

Clerk

I, Guy L. Maurice, Clerk-Administrator of the Township of Tiny do certify under my hand and the corporate seal that the foregoing is a true copy of an agreement between the Township of Tiny and the Village of Victoria Harbour.

Guy L. Maurice, *Clerk-Administrator*

SCHEDULES A AND B

(See Schedules A and B to the agreement between the Township of Tiny and the Town of Midland as set out in paragraph 1 of this Schedule)

An Act respecting the Financing
of The Huronia District Hospital

1st Reading

March 27th, 1979

2nd Reading

May 15th, 1979

3rd Reading

May 15th, 1979

MR. SMITH (Simcoe East)

Pauline Ke. Ke. D. Hon
BILL Pr5

**3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979**

An Act respecting the City of Toronto

MR. RENWICK

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr5

1979

An Act respecting the City of Toronto

WHEREAS The Corporation of the City of Toronto, Preamble
herein called the Corporation, hereby applies for special
legislation in respect of the matters hereinafter set forth;
and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. For the purposes of a by-law of the Corporation passed ^{"Group home",}
under section 386a of *The Municipal Act*, "group home" as ^{extended}
defined in subsection 1 of the said section 386a shall be deemed to ^{definition}
include a "crisis care facility" and a "residential care facility" as ^{R.S.O. 1970,}
defined in a by-law passed by the council of the Corporation under ^{cc. 284, 349}
section 35 of *The Planning Act*.

2.—(1) Clause *f* of subsection 2 of section 6 of *The City of* ^{1936, c. 84,}
Toronto Act, 1936, being chapter 84, as re-enacted by the ^{s. 6 (2) (f),}
Statutes of Ontario, 1975, chapter 116, section 5, is ^{re-enacted}
repealed and the following substituted therefor:

(f) for directing and ordering any occupant of a dwelling referred to in an order confirmed or modified under this section to pay his rent thereafter to the inspector to be deposited with the City Treasurer to be dealt with as hereinafter set out and for providing that the rent so deposited shall be applied by the corporation to reduce any amount entitled to be recovered by the corporation upon the exercise of any power conferred by this section upon the corporation or, in the event the order is complied with by the owner, that the rent deposited as aforesaid, shall be held until the order is so complied with, and for providing that such rent or any portion thereof remaining, less an administration fee not to exceed 10 per cent calculated upon the entire amount of the rent so deposited, shall be paid to the person entitled to receive it.

1936, c. 84,
s. 6 (6) (c),
re-enacted

- (2) Clause *c* of subsection 6 of the said section 6, as re-enacted by the Statutes of Ontario, 1970, chapter 168, section 1, is repealed and the following substituted therefor:

- (c) shall have a lien for any amount expended by or on behalf of the corporation under the authority of this subsection and for an administration fee, not to exceed 10 per cent of such amount, together with interest thereon at a rate to be fixed in the manner provided in subsection 4 upon the dwelling in respect of which the amount was expended, and the certificate of the clerk of the municipality as to the total amount shall be final and such total amount shall be deemed to be municipal real property taxes and may be added to the collectors' roll to be collected in one year or to the proper collectors' rolls to be collected by instalments over a period of not more than five years and the total amount or each instalment may be collected in the same manner as real property taxes.

1936, c. 84,
s. 6,
amended

- (3) The said section 6, as amended by the Statutes of Ontario, 1941, chapter 81, section 3, 1955, chapter 117, section 4, 1956, chapter 125, section 4, 1960, chapter 170, section 3, 1967, chapter 131, section 6, 1970, chapter 168, section 1, 1971, chapter 130, sections 3 and 4, 1973, chapter 213, section 10, 1974, chapter 161, sections 1 and 5, 1975, chapter 116, section 5, 1976, chapter 105, section 4, and 1977, chapter 109, section 4, is further amended by adding thereto the following subsection:

Notice

- (14a) If the inspector is unable to locate or serve the owner or any other person on whom he desires to serve a notice or where it is ascertained that the owner or any such person is not within Ontario, the inspector may send or cause to be sent by prepaid registered mail a copy of such notice addressed to such owner or other persons at his or their last-known address and he may place a placard containing the terms of the notice in a conspicuous place on the property, and the sending of the copy of the notice and the placing of the placard shall be deemed to be sufficient service of the notice on the owner or other persons.

1936, c. 84,
s. 6 (19),
repealed

- (4) Subsection 19 of the said section 6, as enacted by the Statutes of Ontario, 1960, chapter 170, section 3, is repealed.

Interpreta-
tion

3.—(1) In this section,

- (a) "assisted housing program" means a program, designated by the Corporation under federal, provincial

or municipal authority, designed to provide housing accommodation, by sale or lease, at a price or rental below the current market price or rental in the area in which the accommodation is located;

(b) "housing development" means any project or undertaking designed to provide housing accommodation and may include either rental or privately owned accommodation;

(c) "residential unit" means either rental or privately owned housing accommodation.

(2) Notwithstanding any general or special Act, the council of the Corporation may, by by-law, enter into an agreement with any person proposing to construct a housing development in the City of Toronto containing more than ten residential units, whereby the person agrees to make available under an assisted housing program for a period not exceeding fifty years such proportion of residential units in the development as is provided for from time to time in an assisted housing program.

Provision
of assisted
housing

(3) Any agreement entered into under subsection 2 may be registered against the land to which it applies and the Corporation is entitled to enforce the provisions thereof against the owner and, subject to *The Registry Act* and *The Land Titles Act*, any and all subsequent owners of the land.

Agreement
may be
registered

R.S.O. 1970,
cc. 409, 234

4.—(1) In this section, "guard dog" means a male or female dog used or kept for the purpose of security or protection of persons or property or any class or classes thereof.

Interpreta-
tion

(2) By-laws may be passed by the council of the Corporation,

By-laws
respecting
guard dogs

(a) providing for the licensing and registration of guard dogs within the City of Toronto or any defined area or areas thereof and for issuing, renewing and replacing such licences for such fee and for such period of time as the council may from time to time prescribe;

(b) requiring the owners or occupants of premises on which guard dogs are used to post signs and fence the premises in such manner as may be prescribed in the by-law;

(c) prescribing standards for the humane care, handling and keeping of guard dogs;

- (d) providing for the issuance to owners, where a licence fee has been paid, of a guard dog identification tag in the form and of the kind prescribed by council and requiring that such tag be securely affixed to the guard dog with respect to which it was issued until the tag is renewed or replaced;
- (e) defining "owner" in relation to guard dogs in such manner as the council may from time to time determine; and
- (f) for prohibiting the using or keeping of guard dogs in violation of a by-law passed pursuant to this section.

Deeming
guard dog

(3) A by-law passed under this section may provide that a dog kept upon private property used for a commercial or industrial purpose shall be deemed to be a guard dog.

Refund
authorized to
Brownstone
Homes

R.S.O. 1970,
c. 349

5. The council of the Corporation is authorized to refund to Brownstone Homes an amount of \$4,950 being the amount of an overpayment made by Brownstone Homes with respect to a payment as authorized by *The Planning Act* in lieu of the provision of park land in respect of the lands and premises known municipally as 39-45 Gloucester Street in the City of Toronto.

1911, c. 119,
s. 18,
repealed

6. Section 18 of *An Act respecting the City of Toronto*, being chapter 119 of the Statutes of Ontario, 1911, as re-enacted by the Statutes of Ontario, 1958, chapter 160, section 3 and amended by the Statutes of Ontario, 1974, chapter 161, section 2 is repealed.

1961-62,
c. 171,
amended

7. Section 1 of *The City of Toronto Act, 1961-62*, being chapter 171, as amended by the Statutes of Ontario, 1968, chapter 176, section 3, and 1970, chapter 168, section 2, is further amended by adding thereto the following subsections:

Lands of
utilities

R.S.O. 1970,
c. 390

(6) This section applies to every building on land owned by Ontario Hydro and to every building on land owned by any commission, company or body to which *The Public Utilities Act* applies, notwithstanding that such land may be exempt from taxation under any general or special Act.

Deemed
ownership

(7) For the purposes of subsection 6, land owned by a municipal corporation and used for the purposes of a commission to which *The Public Utilities Act* applies shall be deemed to be owned by the commission.

8. Notwithstanding the provisions of any general or special Act, the council of the Corporation may pass by-laws to provide for the charging of a separate pound fee in respect of any female dog in heat that is impounded while running at large contrary to any by-law of the Corporation passed under subsection 1 of section 7 of *The Dog Licensing and Live Stock and Poultry Protection Act*, as amended. By-laws
respecting
pound fee

R.S.O. 1970,
c. 133
9. This Act comes into force on the day it receives Royal Assent. Commence-
ment
10. The short title of this Act is *The City of Toronto Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC. 20 19 79

Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY

1st Reading

May 15th, 1979

2nd Reading

December 11th, 1979

3rd Reading

December 18th, 1979

MR. RENWICK

BILL Pr6

Paul. in Rep. by S. Hon

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act respecting the Village of Cookstown

MR. TAYLOR
Simcoe Centre

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr6

1979

An Act respecting the Village of Cookstown

WHEREAS The Corporation of the Village of Cookstown, Preamble
 herein called the Corporation, hereby represents that by Indenture of Trust dated the 16th day of November, 1867, and registered in the Land Registry Office for the Registry Division of Simcoe (No. 51) as Number 48427 on the 6th day of March, 1868, Christopher Cooke of the Township of Tecumseth, in the County of Simcoe, granted to James G. Strong and Joseph C. Kidd of the same place and William Ross of the Township of West Gwillimbury, in the said County, as trustees, the land described in Schedule 1 hereto upon the trusts contained in the Indenture of Trust; that a true copy of the relevant portion of the Indenture of Trust is set out as Schedule 2 hereto; that there are no subsequent registrations affecting the said land; that by resolution of the trustees of the Police Village of Cookstown passed on the 4th day of June, 1904 it was resolved that "the Temperance Hall be received by the Trustees of the Village of Cookstown and to be known in the future as Town Hall and the Trustees pay to W. J. Findlay the sum of Ten Dollars (\$10.00) for the unexpired term of insurance as settlement in full for hall"; that Corporation records indicate that from that date, the trustees of the Police Village of Cookstown, and following the erection of the Corporation as a Village, the council of the Corporation have administered the "Town Hall" as the property of the ratepayers of the Village of Cookstown without objection or interference by any person; that the trustees of the Police Village and the council of the Corporation have maintained, renovated and repaired the "Town Hall" at municipal expense; that there is no chartered Lodge of the Good Templars or of the Sons of Temperance in the Village of Cookstown and the Corporation has no record of such a lodge since the 4th day of June, 1904; that the Corporation now proposes to make extensive repairs and renovations to the "Town Hall" and to make application for government grants and subsidies to help defray the

expenses to be incurred; that for such purposes it is necessary that the Corporation hold the said land in fee simple free from any trusts or conditions; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Land vested
in Village of
Cookstown

1. The land described in Schedule 1 hereto is hereby vested in the Corporation in fee simple free from all rights, trusts, interests and limitations except the reservations, limitations, provisos and conditions expressed in the original grant thereof from the Crown.

Registration
of Act

2. The Corporation shall register a copy of this Act, within sixty days after it comes into force, in the Land Registry Office for the Registry Division of Simcoe (No. 51).

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is *The Village of Cookstown Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

MAY 18 1979

Roderick L. Lusk

CLERK
LEGISLATIVE ASSEMBLY

SCHEDULE 1

All and singular that certain parcel or tract of land and premises situate, lying and being in the Village of Cookstown, in the County of Simcoe and being composed of the West half of Lot 4 on the west side of William Street, south of Hamilton Street, according to Registered Plan No. 99.

Being and intended to be the lands described in a certain Indenture dated the 16th day of November, 1867 and registered on the 6th day of March, 1868, in the Land Registry Office for the Registry Division of Simcoe (No. 51) as Number 48427.

SCHEDULE 2

Upon Trust to hold the said lot [described in Schedule 1 hereto] and Hall (when erected) for the meetings and general uses for the Lodge of Good Templars at present in the said Village of Cookstown and in case the said present Lodge of Good Templars should cease to exist as a Lodge in the said Village of Cookstown, then to hold the same upon the like trusts for any other chartered Lodge of Good Templars which may then be in the said Village and if there should be no chartered Lodge of Good Templars in the said Village then to hold the same for any chartered Lodge of "The Sons of Temperance" then existing in Cookstown. And if no such chartered Lodge either of the Good Templars or of "The Sons of Temperance" be in Cookstown at the breaking up of the present Lodge of Good Templars then the said trustees and their successors shall hold the said lot and Hall as a public Hall for the general purposes of the said Village of Cookstown until such time as some chartered Lodge of The Good Templars or of "The Sons of Temperance" shall be chartered in Cookstown; in which case upon service of notice of the fact on, and upon production of any such Lodge's charter to, the trustees, they shall immediately be and become the trustees of the first of such Lodges so being chartered as aforesaid upon the same trusts as they hold by this deed for the present Lodge. And whenever hereafter there shall be no such chartered Lodge of the Good Templars or of the Sons of Temperance in the said Village of Cookstown then the said trustees and their successors shall hold the said lot and Hall for the public use and purposes of the said Village of Cookstown; but whenever there be a chartered Lodge of either of the said Temperance Bodies in the said Village then the said trustees and their successors shall hold the said Hall and lot for such Lodge upon the like trusts as by this deed they hold the same for the present Lodge of Good Templars.

Secondly upon trust, so far as in them lies, not to bring nor cause nor permit to be brought any spirituous or fermented liquor in or upon the said premises or into the said Hall nor allow any such to be consumed or drank in or upon the same.

Thirdly upon trust to lease and rent the said Hall to any persons applying therefore whether they be strangers or any of the inhabitants of the said Village of Cookstown for any sum the trustees for the time being shall think proper always provided that the object for which the Hall is required does not conflict with temperance principles. But when the Hall is applied for by any of the inhabitants of the said Village for a village purpose, the rent per night shall not exceed the sum of Three Dollars.

Fourthly upon trust to pay over weekly to the Treasurer of the present Lodge of Good Templars while it exists in Cookstown aforesaid or in the event of its breaking up then to the Treasurer of any other chartered Lodge of Good Templars or of the Sons of Temperance in the said Village of Cookstown all the proceeds received on account of the said Hall of whatever description which shall be over and above the expenses connected with the same; and in the event of there being at any time no temperance Lodge as before mentioned in the said Village, then to pay the said proceeds less the expenses to "The Cookstown Literary Society" in aid of their library; and should there be no Cookstown Literary Society then such proceeds shall be invested in a Public Library to be kept in the said Village.

An Act respecting the
Village of Cookstown

1st Reading

March 27th, 1979

2nd Reading

May 15th, 1979

3rd Reading

May 15th, 1979

MR. TAYLOR
Simcoe Centre

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act respecting the County of Northumberland

MR. ROWE

BILL Pr7

1979

An Act respecting the County of Northumberland

WHEREAS The Corporation of the County of Northumberland, herein called the Corporation, hereby represents that the Province of Ontario and the Corporation have jointly adopted a development strategy for the County as suggested by a task force of provincial and municipal representatives; that the development strategy designates the Colborne area as a growth centre; that to carry out the development strategy The Corporation of the Township of Cramahe has acquired, with funds provided by the Province of Ontario, approximately seventy-five acres of land in the Township of Cramahe adjacent to the Village of Colborne, in trust for The Corporation of the County of Northumberland; that the said lands are more particularly described in the Schedule hereto; that the said lands are known as the County of Northumberland Industrial Park; that special legislation is required to permit the Corporation to obtain the legal title to the said lands and to permit the council of the Corporation to pass by-laws for selling or leasing lands in the County of Northumberland Industrial Park for the purpose of sites for the establishment and carrying on of industries and of industrial operations incidental thereto; that it may be desirable to expand the County of Northumberland Industrial Park at a future date; and whereas the applicant hereby applies for special legislation in respect of such matters; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Corporation shall be deemed always to have had the power to acquire the lands known as the County of Northumberland Industrial Park located in the Township of Cramahe, as described in the Schedule hereto, being the lands currently held in trust by The Corporation of the Township of Cramahe for the benefit of the Corporation.

Corporation
deemed
always to
have had
power to
acquire
Industrial
Park

(2) The Corporation may pass by-laws for acquiring and expropriating lands adjacent to the County of Northumberland

Power to
acquire
additional
lands

Industrial Park for the purpose of expanding the said industrial park.

Industrial sites

(3) The council of the Corporation may pass by-laws for selling or leasing lands located in the County of Northumberland Industrial Park for the purpose of sites for the establishment and carrying on of industries and of industrial operations and uses incidental thereto.

Interpretation

(4) For the purposes of subsection 3 of this section and sections 2, 3 and 4, the County of Northumberland Industrial Park includes any lands acquired under subsection 2.

Application of receipts where debt outstanding

R.S.O. 1970, c. 255

2. Where any debt is outstanding in respect of the acquisition of the land in the County of Northumberland Industrial Park or in respect of any services applied to the land, other than services supplied under *The Local Improvement Act*, all moneys received from the sale or lease of such land shall be used to retire the debt or shall be set aside as a fund to provide for the retirement of the debt and, when the debt is retired or the amount in the fund is sufficient to provide for the complete retirement of the debt, the balance of such moneys on hand and any such moneys received thereafter shall be credited to the general funds of the Corporation.

Use of land by Corporation, sale to local board or local municipality
R.S.O. 1970, c. 118

3. With the consent of the Minister of Intergovernmental Affairs, any land in the County of Northumberland Industrial Park may be used by the Corporation for the purposes of the Corporation or may be sold to any local board, as defined in *The Municipal Affairs Act*, or a local municipality of the County, for the purposes of such board or local municipality.

Disposal of land when no longer required

4. Where it appears to the council of the Corporation that any land in the County of Northumberland Industrial Park is no longer required for the purposes for which it was acquired or for the use of the Corporation, the council may sell or dispose of the whole or any part of such lands for any purpose, but where the lands so sold comprise all or any part of the lands described in the Schedule which were purchased with money supplied by the Province of Ontario, then the net proceeds of such sale or sales, up to and including the amount of money supplied by the Province of Ontario, shall be paid to the Province.

Commencement

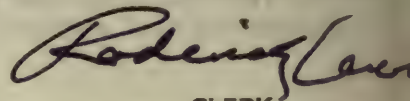
5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is *The County of Northumberland Act, 1979*.

ASSSENTED TO BY LIEUTENANT-GOVERNOR Nov. 13, 1979





CLERK
LEGISLATIVE ASSEMBLY

SCHEDULE

Those parcels of land situate in the Township of Cramahe in the County of Northumberland, more particularly described as follows:

1. Those parts of Lots 31 and 32 in the second concession of the said Township designated as Parts 1, 2 and 3 on a Reference Plan deposited in the Land Registry Office for the Registry Division of Northumberland East (No. 38) as Plan No. 38R-1301.

2. That part of Lot 30 in the third concession of the said Township designated as Part 1 on a Reference Plan deposited in the Land Registry Office for the Registry Division of Northumberland East (No. 38) as Plan No. 38R-1302.

An Act respecting the
County of Northumberland

1st Reading

May 14th, 1979

2nd Reading

November 13th, 1979

3rd Reading

November 13th, 1979

MR. ROWE

BILL Pr8

1 am. in C. P. S. H.

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act respecting the City of Hamilton

MR. MACKENZIE

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr8

1979

An Act respecting the City of Hamilton

WHEREAS The Corporation of the City of Hamilton hereby applies for special legislation in respect of the establishment, operation, maintenance and management of pedestrian malls and ways in the City of Hamilton; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "authority" means a pedestrian mall or way authority established under subsection 1 of section 3;
- (b) "Corporation" means The Corporation of the City of Hamilton;
- (c) "council" means the council of the Corporation.

2. Where council has passed a by-law under paragraph 110 of subsection 1 of section 354 of *The Municipal Act* and subject to the approval of the Ontario Municipal Board, the costs of establishing, operating, maintaining and managing a pedestrian mall or way, including the cost of providing appurtenances, street furniture, municipal services and amenities for the purpose of a pedestrian mall or way, in the City of Hamilton shall be,

Pedestrian
malls or ways,
apportionment
of costs
R.S.O. 1970,
c. 284

- (a) paid by the owners of the property abutting the pedestrian mall or way; or
- (b) apportioned between the Corporation and the owners of the property abutting the pedestrian mall or way,

as the council may prescribe and the owners' portion of the cost shall be specially assessed upon the lots abutting directly on the pedestrian mall or way, and the provisions of *The Local Improvement Act* apply thereto with necessary modifications.

R.S.O. 1970,
c. 255

Pedestrian
Mall
Authority

3.—(1) The council may pass by-laws for establishing one or more pedestrian mall or way authorities, each to be known as “The Pedestrian Mall Authority”.

Objects

(2) The council may entrust to each authority the construction, reconstruction, maintenance, control, operation and management of a pedestrian mall or way and for doing all such things as council determines in respect of the pedestrian mall or way for each location.

Body
corporate

(3) An authority is a body corporate and shall consist of at least three members appointed by council, of whom at least one member shall be a member of council.

Term of
office

(4) The members of an authority shall hold office until the expiration of the term of the council that appointed them.

Idem

(5) Members of an authority shall hold office until their successors are appointed and be eligible for reappointment and, where a person ceases to be a member before the expiration of his or her term, the council shall appoint another person for the unexpired term of the person who ceases to be a member.

Termination
of
appointment

(6) The council may at any time terminate the office of a member of an authority.

Chairman

(7) The members of an authority shall elect annually a chairman and vice-chairman, from amongst themselves, who shall have the power to sign any document on behalf of the authority.

Vice-
chairman

(8) The vice-chairman shall act in the place and stead of the chairman when the chairman is absent.

Quorum

(9) A majority of members of an authority constitutes a quorum.

Vote

(10) Each member of an authority shall have only one vote.

Staff

(11) An authority may appoint, hire, or otherwise engage a secretary to the authority, and such other persons as it requires to carry out the objects entrusted to it under subsection 2.

Idem

(12) An authority may determine the qualifications, responsibilities, duties, positions, remuneration, terms and conditions of employment or service of the secretary, officers, servants, employees or other persons engaged or employed by the authority.

Records

(13) A record of all meetings of an authority shall be kept in a book for that purpose and all by-laws, resolutions, minutes of the

meetings, orders, directions and proceedings shall be entered in the book and be duly signed by the chairman or, in the chairman's absence, by the vice-chairman of the meeting and by the secretary of the authority.

(14) An authority shall keep all such proper books of account and accounting records with respect to the financial transactions of the authority and the books and records shall be kept and maintained to the satisfaction of the City Treasurer and audited as council may require. Books of account

(15) An authority shall prepare an annual budget at the commencement of each calendar year, being a detailed budget of revenue and expenditure and shall submit the estimates to council not later than the 14th day of January in each year. Budget

(16) No budget of estimated revenues and expenditures shall be adopted and implemented by an authority for a fiscal period prior to approval by the council. Idem

(17) An authority may incur within the limits of the approved budget, expenses and pay salaries, fees and any other sums of money required by the authority as it requires to carry out the objects entrusted to it under subsection 2. Expenditures

(18) The accounts and transactions of an authority shall be audited by the auditor of the City. Auditor

(19) An authority shall prepare an audited annual report which shall be submitted to council not later than the 31st day of March in each year. Audited annual report

(20) The fiscal year of an authority shall be the same as the fiscal year of the Corporation. Fiscal year

(21) The council may require an authority to make all such reports as it requires relating to the objects entrusted to it under subsection 2. Other reports

(22) In addition to the powers vested in, and the duties upon the authority by section 26 of *The Interpretation Act*, an authority has the following powers: Powers
R.S.O. 1970,
c. 225

1. To enact by-laws and pass resolutions for the operation, government and control of its affairs and undertakings.
2. With the approval of the council, unless council otherwise provides by by-law, to carry out all or any of the objects entrusted to it under subsection 2.

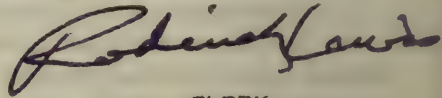
3. With the approval of the council, unless council otherwise provides by by-law, to do all such things as are incidental or conducive or necessary to the attainment of the objects entrusted to it under subsection 2.

Dissolution (23) Upon the dissolution of an authority, its undertakings, assets and liabilities shall vest in and be assumed by the Corporation.

Commencement 4. This Act comes into force on the day it receives Royal Assent.

Short title 5. The short title of this Act is *The City of Hamilton Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov. 13 1979



CLERK
LEGISLATIVE ASSEMBLY

1st Reading

June 12th, 1979

2nd Reading

November 13th, 1979

3rd Reading

November 13th, 1979

MR. MACKENZIE

Lawline
BILL Pr9

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act respecting the City of Ottawa

MR. ROY

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr9

1979

An Act respecting the City of Ottawa

WHEREAS The Corporation of the City of Ottawa, Preamble
 herein called the Corporation, hereby applies for special
 legislation in respect of the matters hereinafter set forth; and
 whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of
 the Legislative Assembly of the Province of Ontario, enacts as
 follows:

1.—(1) Subsection 2 of section 1 of *The City of Ottawa Act*, 1960-61 c. 120,
 1960-61, being chapter 120, is amended by inserting after “there- s. 1 (2),
 under” in the sixth line “the President of the Hospital Auxiliary”.

(2) Subsection 4 of the said section 1 is repealed and the follow- s. 1 (4),
 ing substituted therefor: re-enacted

(4) All appointed trustees shall be appointed as provided by Appointment
 a by-law passed under subsection 5.

(3) Subsection 5 of the said section 1 is amended by inserting s. 1 (5),
 after “trustees” in the third line “the time and manner of appoint- amended
 ment, the commencement of the term of office”.

(4) Subsection 8 of the said section 1 is repealed and the follow- s. 1 (8),
 ing substituted therefor: re-enacted

(8) A majority of each board of trustees constitutes a Quorum
 quorum except that where there are vacancies a majority
 of the members in office constitutes a quorum.

2.—(1) In this section,

Interpreta-
tion

(a) “killer trap” means a device designed to capture and kill
 the animal for which it is set including, but not limited
 to, conibear traps;

(b) "leg-hold trap" means a device, other than a killer trap or a snare, that is designed to capture the animal for which it is set by the leg or foot;

(c) "snare" means a device for the taking of animals whereby they are caught in a noose.

Prohibition
of use of
traps and
snares
authorized

(2) The council of the Corporation may, by by-law, prohibit the using, setting or maintaining of leg-hold traps, killer traps or snares within the City of Ottawa unless such use is otherwise authorized by and under the direct supervision of the Ministry of Natural Resources.

Licence
fees for
unneutered
dogs
R.S.O. 1970,
c. 133

3. In addition to any other fees that may be imposed by the Corporation under *The Dog Licensing and Live Stock and Poultry Protection Act*, the council of the Corporation may, in any by-law passed under subsection 1 of section 5 of that Act, impose higher licence fees for unneutered male dogs and unspayed female dogs, that are six months old or older, than for neutered male dogs and spayed female dogs.

Dog and cat
identification
program

1976, c. 102

4. The council of the Corporation may, by by-law, establish, regulate and govern a program for the identification of cats or dogs, or both, by means of tattooing or otherwise at a clinic for the spaying or neutering of cats and dogs established under section 1 of *The City of Ottawa Act, 1976*, or elsewhere, and provide that such identification be without cost to the owners of such animals or upon payment to the Corporation of such fees as may be established by the council from time to time.

Advertising
of spaying
and neutering
clinics

5. Where the council of the Corporation establishes a clinic for the spaying or neutering of cats and dogs under section 1 of *The City of Ottawa Act, 1976*, the Corporation may advertise the clinic and, without limiting the generality of the foregoing, may advertise in telephone directories, publications and by means of broadcasting, indicating the name of the clinic, its location, the hours of its operation, its telephone number and its established fees.

By-laws
requiring
filling of
pits and
quarries
authorized

6. The council of the Corporation may, by by-law, where a pit or quarry has not been in operation for a period of twelve consecutive months and where the pit or quarry is, in the opinion of council, hazardous to the public, require the owner of the pit or quarry to fill or partially fill the pit or quarry or cause the pit or quarry to be filled or partially filled.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. The short title of this Act is *The City of Ottawa Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR JUNE 22, 1979

Robert L. ...

An Act respecting
the City of Ottawa

1st Reading

June 7th, 1979

2nd Reading

June 22nd, 1979

3rd Reading

June 22nd, 1979

Mr. Roy

X
BILL Pr10 *amended by. G. G. H.*

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act respecting the City of Hamilton

MR. MACKENZIE

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr10

1979

An Act respecting the City of Hamilton

WHEREAS The Corporation of the City of Hamilton Preamble hereby represents that it is desirable to change the dimensions of the encroachment of the Trade and Convention Centre on and over King Street West from the encroachment previously permitted; and whereas the applicant hereby applies for special legislation in respect of such matters; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subclause ii of clause *a* of section 4 of *The City of Hamilton Act, 1975*, being chapter 97, is repealed and the following substituted therefor: 1975, c. 97, s. 4 (a) (ii), re-enacted

(ii) the Trade and Convention Centre building to a maximum of seven feet, six inches.

(2) Clause *b* of the said section 4 is repealed and the following substituted therefor: s. 4 (b), re-enacted

(b) an encroachment over the south side of King Street West by the Trade and Convention Centre to a maximum of twelve feet at a minimum height of eight feet above street level.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is *The City of Hamilton Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov. 13, 1979

Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the City of Hamilton

1st Reading

October 11th, 1979

2nd Reading

November 13th, 1979

3rd Reading

November 13th, 1979

MR. MACKENZIE

1. Del. in by. by S. Hon

BILL Pr11

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to revive Delila Construction Limited

MR. JONES

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr11

1979

An Act to revive Delila Construction Limited

WHEREAS Isadore Goldlist and Sarah Goldlist, hereby ^{Preamble} represent that Delila Construction Limited, herein called the Corporation, was incorporated by letters patent dated the 24th day of March, 1960; that the Minister of Consumer and Commercial Relations by order dated the 13th day of June, 1973, and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, ^{R.S.O. 1970, c. 53} cancelled the certificate of incorporation of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 18th day of July, 1973; that the applicants were all of the directors and holders of the common shares of the Corporation at the time of its dissolution; that the Corporation was carrying on active business at the time of its dissolution and active business has continued to be carried on in the name of the Corporation since that time; that default in filing annual returns occurred by reason of inadvertence; that the Corporation at the time of its dissolution owned certain real property; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Delila Construction Limited is hereby revived and is, ^{Delila Construction Limited revived} subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

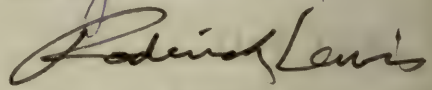
Short title

3. The short title of this Act is *The Delila Construction Limited Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 14 1979





CLERK
LEGISLATIVE ASSEMBLY

1st Reading

May 3rd, 1979

2nd Reading

June 4th, 1979

3rd Reading

June 4th, 1979

MR. JONES

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act respecting the Borough of East York

MR. JOHNSON

BILL Pr12

1979

An Act respecting the Borough of East York

WHEREAS The Corporation of the Borough of East York, herein called the Corporation, hereby applies for special legislation in respect of the matters herein set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the Corporation may, by by-law passed at any general meeting thereof by a vote of three-fourths of all the members of the council, order the removal, or the demolition and removal, of the buildings and structures and any contents thereof and any fences or other erections located on or in the lands and premises sometimes known as Hampton Park, located on the west side of the Bayview Avenue Extension, south of Nesbitt Drive, being part of Lot 15 in the Second Concession from the Bay in the Borough of East York in The Municipality of Metropolitan Toronto.

Order for
demolition
or removal
of buildings

2.—(1) A copy of the by-law shall be registered in the Land Registry Office for the Registry Division of Toronto Boroughs and York South (No. 64) or in the Land Registry Office for the Land Titles Division of Toronto and York South (No. 66) against the title of the land to which the by-law applies and notice of the by-law shall thereafter be served, as set out in subsection 2 or 3, upon the owner of the property, the mortgagee and any other encumbrancer appearing on the registered title and upon any execution creditor appearing by the records of the sheriff of the Judicial District of York to have an interest in the registered title.

Notice

(2) A notice required by subsection 1 to be served may be served personally or by registered mail addressed to the person to whom notice is to be given or his agent for service at his last known address and, where notice is served by registered mail, the service shall be deemed to have been

Service

made on the fifth day after the day of mailing unless the person to whom notice is given or his agent for service establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

Idem

(3) Where a person on whom notice is to be given cannot be located or served under subsection 2, the notice may be sent by registered mail addressed to that person at his last known address and the council of the Corporation may cause a placard, containing the notice, to be placed in a conspicuous place on the property, and the mailing of the notice and the placing of the placard shall be deemed to be sufficient service of the notice on that person.

Appeal

3. The owner or other person having an interest in the land, or an execution creditor, has the right to appeal to a judge of the County Court of the Judicial District of York from the order of the council of the Corporation to remove, or demolish and remove, the building by written notice of appeal delivered to the clerk of the Corporation within thirty days after the date of service of the notice of the by-law upon the person so appealing.

Contents
of notice

4. The notice of the by-law shall include a copy of the by-law and shall set out the method and time for appealing from the decision of the council of the Corporation.

Power of
the Com-
missioner
of Works
to carry
out order

5. Unless notice of an appeal is received by the clerk of the Corporation within the time stated in section 2, the decision of the council of the Corporation to remove, or demolish and remove, the building may be carried out forthwith by the Corporation's Commissioner of Works on behalf of the Corporation and, for this purpose, the Corporation with its servants and agents may from time to time enter upon the lands of the owner, and the Corporation is not liable to compensate the owner or any other person by reason of anything done by or on behalf of the Corporation under the authority of this section.

Collection
of amount
as taxes

6. The Corporation has a lien for the amount expended by or on behalf of the Corporation in carrying out the decision of the council to remove, or demolish and remove, the building, and the certificate of the clerk of the Corporation as to the amount so expended is final, and such amount shall be added to the collector's roll of taxes for the current year and shall be deemed to be taxes due upon the land and may be collected in the same manner as municipal taxes, together with interest thereon, accruing from the

date of being added to the collector's roll at the same rate as interest added by the Corporation under section 553 of *The Municipal Act* to taxes due and unpaid, and is, until so collected or otherwise paid, a special lien upon the land as provided for in section 511 of the said Act. R.S.O. 1970,
c. 284

7. If the decision of the council of the Corporation is appealed, the clerk of the Corporation shall obtain an appointment for a hearing before a judge of the County Court of the Judicial District of York and shall give notice thereof by such means and to such persons as the judge may require. Hearing
of appeal

8. After hearing the persons who attend on the appeal, the judge may confirm the decision of the council of the Corporation and dismiss the appeal, in which case the Corporation may proceed forthwith to remove, or demolish and remove, the building in the manner provided in section 5, or the judge may make such other order as he deems advisable under the circumstances. Order of
judge

9. This Act comes into force on the day it receives Royal Assent. Commence-
ment

10. The short title of this Act is *The Borough of East York Act*, Short title
1979.

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 14 1979

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a very important document, as it contains the President's message to the Congress at the beginning of his first term. The letter is written in a very formal and dignified style, and it is one of the most important documents in the history of the United States.

2. The second part of the document is a letter from the President to the Congress, dated January 1, 1861. It is a very important document, as it contains the President's message to the Congress at the beginning of his first term. The letter is written in a very formal and dignified style, and it is one of the most important documents in the history of the United States.

3. The third part of the document is a letter from the President to the Congress, dated January 1, 1861. It is a very important document, as it contains the President's message to the Congress at the beginning of his first term. The letter is written in a very formal and dignified style, and it is one of the most important documents in the history of the United States.

4. The fourth part of the document is a letter from the President to the Congress, dated January 1, 1861. It is a very important document, as it contains the President's message to the Congress at the beginning of his first term. The letter is written in a very formal and dignified style, and it is one of the most important documents in the history of the United States.

5. The fifth part of the document is a letter from the President to the Congress, dated January 1, 1861. It is a very important document, as it contains the President's message to the Congress at the beginning of his first term. The letter is written in a very formal and dignified style, and it is one of the most important documents in the history of the United States.

6. The sixth part of the document is a letter from the President to the Congress, dated January 1, 1861. It is a very important document, as it contains the President's message to the Congress at the beginning of his first term. The letter is written in a very formal and dignified style, and it is one of the most important documents in the history of the United States.

7. The seventh part of the document is a letter from the President to the Congress, dated January 1, 1861. It is a very important document, as it contains the President's message to the Congress at the beginning of his first term. The letter is written in a very formal and dignified style, and it is one of the most important documents in the history of the United States.

8. The eighth part of the document is a letter from the President to the Congress, dated January 1, 1861. It is a very important document, as it contains the President's message to the Congress at the beginning of his first term. The letter is written in a very formal and dignified style, and it is one of the most important documents in the history of the United States.

9. The ninth part of the document is a letter from the President to the Congress, dated January 1, 1861. It is a very important document, as it contains the President's message to the Congress at the beginning of his first term. The letter is written in a very formal and dignified style, and it is one of the most important documents in the history of the United States.

10. The tenth part of the document is a letter from the President to the Congress, dated January 1, 1861. It is a very important document, as it contains the President's message to the Congress at the beginning of his first term. The letter is written in a very formal and dignified style, and it is one of the most important documents in the history of the United States.

An Act respecting the Borough
of East York

1st Reading

May 8th, 1979

2nd Reading

June 4th, 1979

3rd Reading

June 4th, 1979

MR. JOHNSON

1 sent. in by. by. S. 110
BILL Pr13

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act respecting Massey Hall

MRS. SCRIVENER

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr13

1979

An Act respecting Massey Hall

WHEREAS Massey Hall, herein called the Corporation, ^{Preamble} hereby represents that it was incorporated as the Trustees of Massey Hall by *The Trustees of Massey Hall Act, 1952*, being chapter 141; that by supplementary letters patent dated the 7th day of March, 1972, the name of the Corporation was changed from "Trustees of Massey Hall" to "Massey Hall"; that the real property of the Corporation known as Massey Hall, located on Victoria Street in the City of Toronto has been exempt from municipal taxation, including school and local improvement rates, since 1909 under section 12 of *The City of Toronto Act, 1909*, being chapter 125; that the Corporation acquired a leasehold interest in lands located on Simcoe Street in the City of Toronto for the construction of a new concert hall, known at the present time as New Massey Hall; that the Corporation took possession of the leasehold lands on the 13th day of September, 1978; that it is desirable that a tax exemption similar to the tax exemption for Massey Hall be given to the Corporation for the real property known as New Massey Hall; and whereas the Corporation hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. So long as the lands described in the Schedule hereto ^{Tax exemption} are used for the purposes of the Corporation, they shall be exempt from taxes for municipal and school purposes and local improvement rates.

2. For the purposes of subsection 8 of section 214 of *The Municipality of Metropolitan Toronto Act*, the exemption ^{Deemed exemption R.S.O. 1970, cc. 295, 32} from taxation granted under section 1 shall be deemed to be an exemption provided under section 3 of *The Assessment Act*.

Commence-
ment

3. This Act shall be deemed to have come into force on the 13th day of September, 1978.

Short title

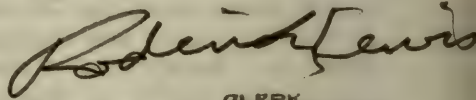
4. The short title of this Act is *The Massey Hall Act, 1979*.

SCHEDULE

That parcel of land and premises situate in the City of Toronto, in The Municipality of Metropolitan Toronto, being composed of all of Lot 5 and parts of Lots 6 and 7 on the north side of Simcoe Place, all of Lots 25 and 26 and part of Lot 24 on the south side of Russell Square, all according to a plan filed in the Land Registry Office for the Registry Division of Toronto (No. 63) as the Town of York Plan, and designated as Part 5 on a Plan deposited in the said Land Registry Office as Number 63R-1187.

ASSENTED TO BY LIEUTENANT-GOVERNOR

JUNE 22, 1979



CLERK
LEGISLATIVE ASSEMBLY

1st Reading

May 8th, 1979

2nd Reading

June 22nd, 1979

3rd Reading

June 22nd, 1979

MRS. SCRIVENER

to
BILL Pr14

Pauline G. G. Gibbon

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to revive
The January School as Montcrest School**

MRS. SCRIVENER

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr14

1979

An Act to revive The January School as Montcrest School

WHEREAS Mr. M. Ian Mail, Mr. Paul D. Break, Mrs. Katherine S. Livingston, Mrs. Valerie Schatzker, Mr. R. Michael Howard, Ms. Maria Soucie and Mr. William M. Avery hereby represent that The January School, herein called the Corporation, was incorporated by letters patent dated the 19th day of September, 1962; that the Minister of Consumer and Commercial Relations, by order dated the 4th day of September, 1974, and made under the authority of subsection 9 of section 347 of *The Corporations Act*, cancelled the letters patent of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 9th day of October, 1974; that the applicants, Mr. M. Ian Mail, Mr. Paul D. Break and Mrs. Katherine S. Livingston were directors of the Corporation at the time of its dissolution and the other named applicants were appointed to the Board of Directors following its dissolution; that although the notice of default in filing annual returns required by the said subsection 9 of section 347 of *The Corporations Act* was sent to the head office of the Corporation, through inadvertence, no action was taken to revive the Corporation until more than two years after the date of the said notice; that the Corporation is a registered charitable organization under the *Income Tax Act* (Canada); that at the time of its dissolution, the Corporation was carrying out the educational objects authorized by its letters patent and since that time has continued to do so under the name of the Corporation and under the name of Montcrest School; that it is desirable that the name of the Corporation be changed to Montcrest School; and whereas the applicants hereby apply for special legislation reviving the Corporation and changing its name; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1970,
c. 53R.S.C. 1952,
c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

The January
School
revived

1. The January School is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Name
changed to
Montcrest
School

2. The name of the Corporation is hereby changed from "The January School" to "Montcrest School".

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is *The Montcrest School Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

JUNE 22 1979

Rodney Len

CLERK
LEGISLATIVE ASSEMBLY

An Act to revive
The January School as Montcrest School

1st Reading

June 7th, 1979

2nd Reading

June 22nd, 1979

3rd Reading

June 22nd, 1979

MRS. SCRIVENER

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act respecting
The Trustees of the Windsor Grove Cemetery**

MR. NEWMAN
(Windsor-Walkerville)

BILL Pr16

1979

An Act respecting The Trustees of the Windsor Grove Cemetery

WHEREAS The Trustees of the Windsor Grove Cemetery, Preamble
herein called the Corporation, represents that the Corporation was incorporated by a special Act entitled *An Act to Incorporate a Board of Trustees for the Windsor Grove Cemetery*, being chapter 152 of the Statutes of Ontario, 1911; that the said Act empowers the Corporation to acquire and hold lands for its purposes; that the Corporation holds lands that are not required for cemetery purposes and that have never been used for cemetery purposes; that the said Act does not specifically authorize the disposition of surplus lands; that the Corporation represents that it is desirable that it be given the power to sell such surplus lands; and whereas the applicant hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Trustees of the Windsor Grove Cemetery may, in addition to its other powers, sell surplus lands of the Corporation that are not required for cemetery purposes. Sale of
surplus
lands
authorized

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. The short title of this Act is *The Trustees of Windsor Grove Cemetery Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

JUNE 22, 1979

Rademich Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting The Trustees of the
Windsor Grove Cemetery

1st Reading

June 7th, 1979

2nd Reading

June 22nd, 1979

3rd Reading

June 22nd, 1979

MR. NEWMAN
(Windsor-Walkerville)

8
BILL Pr17 *int. in by. by. S. Hon*

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to revive
the Dinorwic Metis Corporation

MR. HENNESSY

BILL Pr17

1979

An Act to revive the Dinorwic Metis Corporation

WHEREAS Thomas Chief, Brian McIvor, John Kooshet, Leonard Gardner and Stuart Zoccole hereby represent that Dinorwic Metis Corporation was incorporated by letters patent dated the 18th day of August, 1969; that the Minister of Consumer and Commercial Relations by order dated the 27th day of February, 1974, and made under the authority of subsection 9 of section 347 of *The Corporations Act*, cancelled the letters patent of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 3rd day of April, 1974; that the applicants were the directors of the Corporation and members in good standing at the time of the dissolution of the Corporation; that the notice of default in filing annual returns, although sent to the said directors, was not received by any of them and none of them was aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of its dissolution was carrying on the activities authorized by its letters patent and those activities have continued to be carried on in the name of the Corporation since the time of its dissolution; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1970.
c. 80

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Dinorwic Metis Corporation is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation incorporated by letters patent, including all its property, rights, privileges and franchises, and subject to all its liabilities, contracts, disabilities and debts as of the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Dinorwic
Metis
Corporation
revived

2. This Act comes into force on the day it receives Royal Assent.

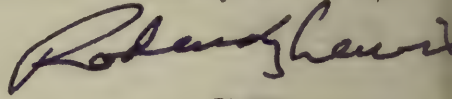
Commence-
ment

Short title

3. The short title of this Act is *The Dinorwic Metis Corporation Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

Nov. 13 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act to revive
the Dinorwic Metis Corporation

1st Reading

October 11th, 1979

2nd Reading

November 13th, 1979

3rd Reading

November 13th, 1979

MR. HENNESSY

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act respecting the City of Sarnia

MR. BLUNDY

BILL Pr18

1979

An Act respecting the City of Sarnia

WHEREAS The Corporation of the City of Sarnia, herein- Preamble
after called the Corporation, hereby applies for special
legislation authorizing the council of the Corporation to pass
by-laws prohibiting, regulating and governing smoking in those
parts of buildings or structures to which the public has access and
on school buses and in public transit vehicles; and whereas it is
expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario, enacts as
follows:

- 1.**—(1) The council of the Corporation may pass by-laws pro- By-laws prohibiting, regulating and governing smoking authorized
hibiting, regulating and governing smoking in,
- (a) public areas of buildings and structures or such class or
classes of buildings or structures as may be set out in the
by-law;
 - (b) school buses; and
 - (c) public transit vehicles operated by the Corporation or
under a franchise granted by the Corporation.
- (2) A by-law passed under clause *a* of subsection 1 may be Application to classes of public areas
restricted in its application to such class or classes of public areas
as may be set out in the by-law.
- (3) The power to prohibit, regulate and govern smoking under Power to inspect
subsection 1 includes the power to inspect at any reasonable time
the public areas and the vehicles to which a by-law passed under
subsection 1 applies.
- (4) In this section, “public area”, Interpre-
tation
- (a) in a building or structure used for institutional, industri-
al or commercial purposes including retail and office

uses, means any part thereof to which the public has or is permitted to have access;

(b) in a multi-unit residential building, means the elevators, stairwells, lobbies and corridors in the building.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The City of Sarnia Act, 1979*.

ABSENTED TO BY LIEUTENANT-GOVERNOR DEC. 20 1979

Robert L. Law

CLERK
LEGISLATIVE ASSEMBLY

1st Reading

October 29th, 1979

2nd Reading

December 18th, 1979

3rd Reading

December 18th, 1979

MR. BLUNDY

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act respecting the City of Cornwall

MR. SAMIS

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr19

1979

An Act respecting the City of Cornwall

WHEREAS The Corporation of the City of Cornwall, Preamble
herein called the Corporation, hereby applies for special
legislation with respect to by-laws requiring cash payment to
the Corporation in lieu of providing off-street vehicle accom-
modation as hereinafter set forth; and whereas it is expedient
to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

- 1.—**(1) The council of the Corporation may pass by-laws, By-laws
requiring
cash
payment
to the
Corporation
- (a) requiring that the owner of a building or structure
shall pay an amount in lieu of providing off-street
vehicle accommodation, as relief, to the extent set out
in the by-law, from any provision in any other by-
law of the Corporation requiring the provision or
maintenance of off-street vehicle accommodation on
land that is not part of a highway;
 - (b) providing for prescribing the amount of the payment
referred to in clause *a*; and
 - (c) providing that the owner of the building or structure
shall be relieved from the requirement and not be
permitted to provide the off-street vehicle accommo-
dation referred to in clause *a*.

(2) The payment referred to in subsection 1 shall be set out Agreement
in an agreement between the Corporation and the owner of the
building or structure and the agreement shall,

- (a) where it provides for payment by instalments, be
executed by all prior mortgagees or other encumbrancers
to postpone their encumbrance in favour of the said
agreement; and

(b) be subject to the approval of the Ontario Municipal Board given either before or after the execution thereof.

Payment in
a lump sum
or by
instalment

(3) An agreement made under subsection 2 shall provide for the payment to the Corporation of the sum of money therein set out either in a lump sum or by instalments, together with interest at a rate therein specified, and shall set forth the basis upon which the payment is computed.

Reserve
fund

R.S.O. 1970,
cc. 470, 284

(4) All moneys received by the Corporation under an agreement made under subsection 2 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the moneys in such special account shall be expended for the same purposes and in the same manner as the reserve fund provided for in paragraph 72 of section 352 of *The Municipal Act*.

Auditor's
report

(5) The auditor of the Corporation in his annual report shall report on the activities and position of any special account established under this section.

Lien on
lands
when
agreement
registered

R.S.O. 1970,
c. 284

(6) Any agreement made pursuant to subsection 2 containing a description of the lands affected sufficient for registration may be registered in the proper land registry office and, when so registered, the amounts payable under such an agreement until paid shall be a lien upon the lands described therein and, in the event of a default of payment for a period of one year from the date any payment is due, such sum may be collected in the same manner and with the same remedies as provided by *The Municipal Act* for the collection of real property taxes.

Clerk's
certificate

(7) Upon payment in full of the moneys to be paid under an agreement registered under subsection 6, the clerk of the Corporation shall, at the request of the owner of the land or other person entitled under the agreement, provide a certificate in a form registrable in the proper land registry office on the title of the affected lands, certifying that all moneys due under the agreement have been paid.

Power to
define
areas

(8) Any by-law passed under this section may define the area or areas of the City of Cornwall to which the by-law applies.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The City of Cornwall Act*,
1970 ASSENTED TO BY LIEUTENANT-GOVERNOR NOV. 13 1970

Roderick Lewis

An Act respecting the
City of Cornwall

1st Reading

October 11th, 1979

2nd Reading

November 13th, 1979

3rd Reading

November 13th, 1979

MR. SAMIS

Pauline G. G. S. H.

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act respecting the City of Hamilton

MR. MACKENZIE

BILL Pr21

1979

An Act respecting the City of Hamilton

WHEREAS The Corporation of the City of Hamilton, Preamble
herein called the Corporation, hereby applies for special
legislation in respect of the matters hereinafter set forth; and
whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario, enacts as
follows:

1.—(1) The council of the Corporation may pass by-laws for Power to
pass by-laws
related to
salvage
operations
and
archaeological
explorations
investigating, planning, engaging in salvage operations and in
archaeological explorations of historical or cultural artifacts of
interest to the municipality, including surveys, field work,
research, scientific and feasibility studies, preparation and publi-
cation of scientific and historical papers, documentation and
reports and recovering, raising, restoring and displaying of
artifacts, and entering into agreements, in the municipality or,
specifically with respect to the historical vessels known as the
“Hamilton” and the “Scourge”, outside the municipality.

(2) Subsection 1 of section 293 of *The Municipal Act* does not Assent of
electors not
required
R.S.O. 1970,
c. 284
apply so as to require the assent of the electors to a by-law passed
under subsection 1 of this section.

2. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

3. The short title of this Act is *The City of Hamilton Act, 1979*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

DEC. 20 1979

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting
the City of Hamilton

1st Reading

October 29th, 1979

2nd Reading

December 18th, 1979

3rd Reading

December 18th, 1979

MR. MACKENZIE

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act respecting the County of Simcoe

MR. G. TAYLOR
(Simcoe Centre)

BILL Pr22

1979

An Act respecting the County of Simcoe

WHEREAS The Corporation of the County of Simcoe hereby Preamble
 applies for special legislation in respect of the
 matters hereinafter set forth; and whereas it is expedient to grant the
 application;

Therefore, Her Majesty, by and with the advice and consent of the
 Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The County of Simcoe Act, 1972*, being chapter 194, is 1972, c. 194,
s. 2, re-enacted
 repealed and the following substituted therefor:

2. Notwithstanding sections 27, 27a and 27b of *The Municipal Act*, membership on the council and the votes of such members County council;
composition of
and votes on
R.S.O. 1970,
c. 284
 shall be as follows:

1. Where a local municipality has less than 2,500 municipal electors, the reeve only shall be a member of the council and shall have one vote.
2. Where a local municipality has not less than 2,500 and not more than 7,500 municipal electors, the reeve only shall be a member of the council and shall have two votes.
3. Where a local municipality has not less than 7,500 and not more than 15,000 municipal electors, the reeve and deputy reeve shall be members of the council and the reeve shall have two votes and the deputy reeve shall have one vote.
4. Where a local municipality has not less than 15,000 and not more than 25,000 municipal electors, the reeve and deputy reeve shall be members of the council and the reeve shall have two votes and the deputy reeve shall have two votes.

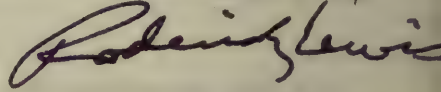
Commence-
ment

2. This Act comes into force on the 1st day of December, 1980.

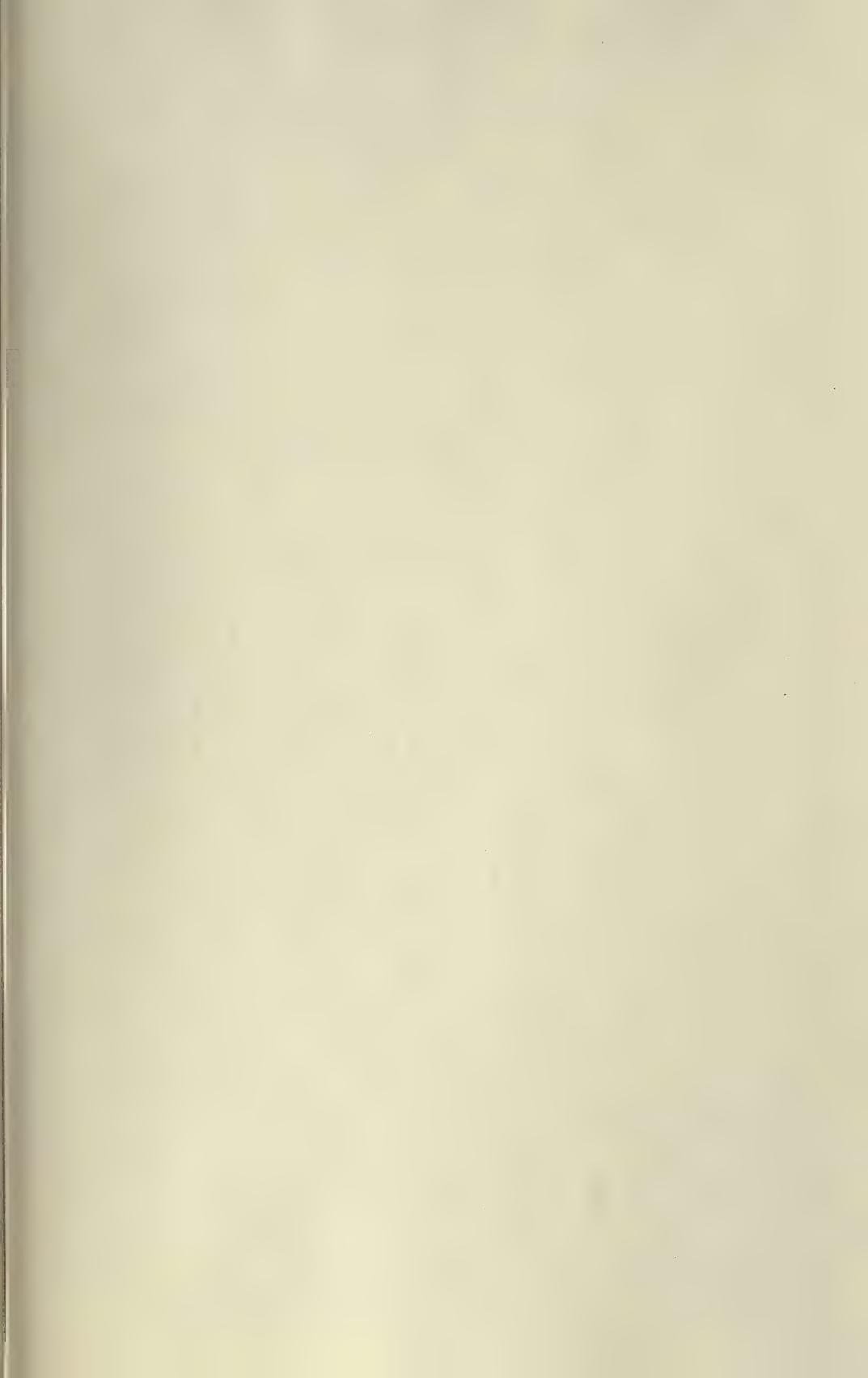
Short title

3. The short title of this Act is *The County of Simcoe Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR NOV. 13 19 79



CLERK
LEGISLATIVE ASSEMBLY



1st Reading

October 29th, 1979

2nd Reading

November 13th, 1979

3rd Reading

November 13th, 1979

MR. G. TAYLOR
(Simcoe Centre)

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act to revive
Honing Corporation Limited**

MR. CUNNINGHAM

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr23

1979

An Act to revive Honing Corporation Limited

WHEREAS Aaron Zaitchik hereby represents that Honing Corporation Limited, herein called the Corporation, was incorporated by certificate of incorporation dated the 22nd day of February, 1971; that the Minister of Consumer and Commercial Relations, by order dated the 9th day of April, 1975, and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the certificate of incorporation of the Corporation for default in filing annual returns, and declared the Corporation to be dissolved on the 14th day of May, 1975; that the applicant was the director and the holder of all common shares of the Corporation at the time of its dissolution; that although the notice of default in filing annual returns required by the said subsection 3 of section 251 of *The Business Corporations Act* was sent to the applicant as director, through inadvertence, no action was taken to revive the Corporation until more than two years after the date of the said notice; that the Corporation, at the time of its dissolution, was carrying on active business and since that time active business has continued to be carried on in the name of the Corporation; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1970,
c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Honing Corporation Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by certificate of incorporation, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Honing
Corporation
Limited
revived

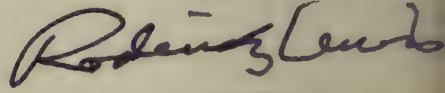
2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

Short title

3. The short title of this Act is *The Honing Corporation Limited Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov. 13 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act to revive
Honing Corporation Limited

1st Reading

November 1st, 1979

2nd Reading

November 13th, 1979

3rd Reading

November 13th, 1979

MR. CUNNINGHAM

S
BILL Pr24 *1 am. in G. G. S. H.*

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act respecting
Co-operators Life Insurance Association

MR. LANE

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr24

1979

An Act respecting Co-operators Life Insurance Association

WHEREAS Co-operators Life Insurance Association, herein Preamble
called the Company, hereby represents that it was incorporated under the laws of the Province of Ontario by letters patent dated the 3rd day of February, 1959; that the said letters patent were amended by supplementary letters patent dated the 20th day of June, 1978; that the Company desires to be continued under the jurisdiction of the Parliament of Canada; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to authorization by special resolution under *The Corporations Act*, the company may apply to the Minister of Consumer and Corporate Affairs of Canada for letters patent continuing the Company as if it had been incorporated under an Act of the Parliament of Canada and providing *inter alia* that all rights and interests of the shareholders, policyholders and creditors of the Company in, to or against the property, rights and assets of the Company and all liens upon the property, rights and assets of the Company are unimpaired by such continuation.

Application
to Minister
of Consumer
and Corporate
Affairs
authorized
R.S.O. 1970.
c. 89

2. Upon the issue of the letters patent referred to in section 1, the Company shall file with the Minister of Consumer and Commercial Relations a notice of the issue of such letters patent together with a copy of such letters patent certified by the Department of Consumer and Corporate Affairs and on and after the date of the filing of such notice, *The Corporations Act* shall cease to apply to the Company.

Application
of
R.S.O. 1970.
c. 89

3. The Minister of Consumer and Commercial Relations may, on receipt by him of the notice and certified copy of the letters patent referred to in section 2, issue a certificate to the Company confirming the date of such filing.

Minister's
certificate

Commence-
ment

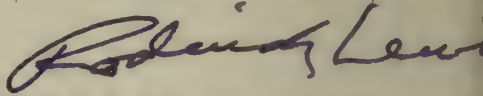
4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is *The Co-operators Life Insurance Association Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

NOV. 13 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act respecting
Co-operators Life Insurance Association

1st Reading

November 1st, 1979

2nd Reading

November 13th, 1979

3rd Reading

November 13th, 1979

MR. LANE

1. Bill. ne. up. up. S. Hon.

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act respecting the City of London

MR. VAN HORNE

BILL Pr25

1979

An Act respecting the City of London

WHEREAS The Corporation of the City of London Preamble
hereby applies for special legislation in respect of the matters
hereinafter set forth; and whereas it is expedient to grant the
application;

Therefore, Her Majesty, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario, enacts as
follows:

1. In this Act,

Interpreta-
tion

- (a) "corporation" means The Corporation of the City of
London;
- (b) "council" means the council of the corporation.

2.—(1) Notwithstanding clause *b* of subsection 1 of section 44 Filling vacancy
of controller by
appointment
R.S.O. 1970,
c. 284
of *The Municipal Act*, where a vacancy occurs in the office of
controller, the council, if it does not fill the vacancy by a new
election as provided in section 45 of that Act, may appoint the
defeated candidate who received the highest number of votes for
the office of controller at the last regular election provided the
number of votes received by such defeated candidate is more than
one-half the number of votes received by the candidate elected to
the office of controller by the fewest number of votes at the last
regular election.

(2) No person shall be appointed to fill the vacancy under this Consent of
appointee
section unless he has consented to accept the office if he is
appointed and he is a person qualified to hold office as a member
of council.

(3) Where, because of an equality of votes at the last regular Tie vote
election, it cannot be ascertained which defeated candidate for the
office of controller received the highest or second highest number
of votes, a vote of the members of council shall be taken and the

defeated candidate receiving the greatest number of votes of the members of council present and voting shall be deemed to be the defeated candidate who received the highest number of votes at the last regular election.

Appointment
of next
runner-up

(4) Where a defeated candidate does not consent to accept the office if he is appointed or where he is not qualified to hold office as a member of council, the defeated candidate for the office of controller who received the next highest number of votes at the last regular election shall be appointed to fill the vacancy if the number of votes received by him is more than one-half the number of votes received by the candidate elected to the office of controller by the fewest number of votes at the last regular election.

Use of proceeds
of sale of
Talbot Square
Underground
Parking Garage
constructed
from proceeds
of exchange of
debentures
1977, c. 92
1971, c. 117

3.—(1) The council is hereby authorized, without obtaining the approval of the Ontario Municipal Board, to apply the net proceeds of the sale of the Talbot Square Underground Parking Garage, to the extent of the amount of principal and interest then outstanding on the debentures issued and exchanged under section 12 of *The City of London Act, 1977*, to the credit of the reserve fund or other special account established and maintained by by-laws passed under paragraph 9 of subsection 1 of section 2 of *The City of London Act, 1971* for the purpose of paying the cost of construction of boundary roads and outlet sewers.

Idem
R.S.O. 1970,
c. 323

(2) For the purpose of every Act, the Municipal Board shall be deemed to have issued an order under section 64 of *The Ontario Municipal Board Act*, not subject to section 42 or to petition or appeal under section 94 or 95 of the said Act, authorizing the construction referred to in subsection 1 and authorizing the corporation to apply the net proceeds of the sale in accordance therewith.

Interpreta-
tion

4.—(1) In this section,

(a) "Art Gallery" means London Regional Art Gallery;

(b) "Library Board" means The London Public Library Board.

Conveyance of
works of art
to Art Gallery

(2) The Library Board may from time to time convey to the Art Gallery by way of gift, and without receiving consideration therefor, the interest of the Library Board in such works of art including, without limitation, paintings, prints, woodcuts and sculptures as the Library Board may by resolution determine, and as and from the date of each such conveyance to the Art Gallery the works of art so conveyed shall be used and administered in accordance with the purposes defined by any deed, will or other instrument creating any trust or obligation with respect thereto,

and the Library Board shall be absolutely freed and discharged from all obligations and trusts with respect to the works of art so conveyed.

(3) All trust funds of every nature and kind held by the Library Board for the sole benefit of the London art gallery and museum which immediately prior to the coming into force of this Act were vested in and were under the control of the Library Board including, without limitation, the funds received from the Alfred James Mitchell Estate, are hereby vested in the Art Gallery to be used and administered in accordance with the purposes defined by the deed, will or other instrument creating such trust, and the Library Board is hereby absolutely freed and discharged from all obligations and trusts with respect to all such trust funds.

Vesting of
trusts in
Art Gallery

(4) All gifts, trusts, bequests, devises and grants of real or personal property or the income or proceeds thereof, heretofore or hereafter expressed by any person, body politic or corporation by deed, will or other instrument in writing to be made, given or conveyed to the Library Board solely for the London art gallery and museum shall, in so far as the same have not vested in possession or been carried into effect at the date this Act comes into force, in the absence of any expressed intention to the contrary set out in such deed, will or other instrument in writing, be construed as though the same had been expressed to be made to the Art Gallery and the executor, trustee or other person or corporation charged with the duty of carrying into effect or administering such deed, will or other instrument in writing, shall pay over or transfer all such moneys and property to the Art Gallery as and when the same becomes or may become payable or transferable, and the receipt of the Art Gallery shall be a sufficient discharge therefor.

Idem

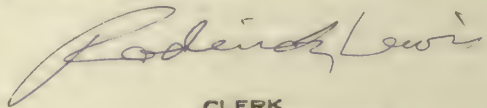
5. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

6. The short title of this Act is *The City of London Act, 1979*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC 20 19 79



CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the
City of London

1st Reading

November 15th, 1979

2nd Reading

December 19th, 1979

3rd Reading

December 19th, 1979

MR. VAN HORNE

BILL Pr26

Pauline G. P. S. Him

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to revive Smith Brothers Jewellers, Limited

MR. STERLING

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr26

1979

An Act to revive Smith Brothers Jewellers, Limited

WHEREAS Harold Raymond Anderson hereby represents Preamble
that Smith Brothers Jewellers, Limited, herein called the Corporation, was incorporated by letters patent dated the 23rd day of March, 1918; that the Minister of Consumer and Commercial Relations by order dated the 10th day of April, 1974, and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the certificate of incorporation of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 15th day of May, 1974; that the applicant was the president and majority shareholder of the Corporation at the time of dissolution; that default in filing annual returns occurred by reason of inadvertence; that the Corporation at the time of its dissolution owned business assets used in its operation and was carrying on active business and active business has continued to be carried on in the name of the Corporation since the time of its dissolution; that the original letters patent incorporating the Corporation and all copies thereof have been lost; that it is desirable to revive the Corporation and to confirm the original objects of the Corporation and to confirm the original capital structure of the Corporation as the objects and capital structure of the Corporation were set out in the notice of issuance of letters patent given by the Provincial Secretary of the Province of Ontario, which appeared in *The Ontario Gazette* on the 13th day of April, 1918; and whereas the applicant hereby applies for special legislation reviving the Corporation and confirming its objects and capital structure; and whereas it is expedient to grant the application; R.S.O. 1970,
c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Smith Brothers Jewellers, Limited is hereby revived and is, Smith
Brothers
Jewellers,
Limited
revived
subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities

and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Corporate
objects

2. The objects of the Corporation are to engage in and conduct the business of watchmakers, jewellers and dealers in jewellery, precious stones, hollow ware, plate ware and all other articles usually dealt with in the business of watchmakers and jewellers.

Capital

3. The authorized capital of the Corporation is \$20,000, divided into 40 common shares of \$500 each.

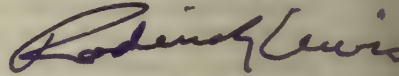
Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is *The Smith Brothers Jewellers, Limited Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov. 13, 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act to revive
Smith Brothers Jewellers,
Limited

1st Reading

October 11th, 1979

2nd Reading

November 13th, 1979

3rd Reading

November 13th, 1979

MR. STERLING

Submitted by J. C. Thatcher
BILL Pr28

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act respecting the City of North Bay

MR. BOLAN

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr28

1979

An Act respecting the City of North Bay

WHEREAS The Corporation of the City of North Bay, Preamble
herein called the Corporation, hereby applies for special
legislation in respect of the matters hereinafter set forth; and
whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario, enacts as
follows:

1.—(1) The council of the Corporation may enter into an Agreements
for relief
from
requirements
to provide
parking
agreement with the owner or occupant of a building or structure to
be erected or used in that part of the City of North Bay described
in the Schedule hereto providing for relief, to the extent set out in
the agreement, from any requirement in any by-law of the Corpo-
ration for the provision or maintenance of parking facilities on
land that is not part of a highway, and exempting such owner or
occupant, to the extent specified in the agreement, from the neces-
sity of providing or maintaining such facilities.

- (2) Every agreement referred to in subsection 1 shall, Agreements
approved by
mortgagees
and O.M.B.
- (a) be subject to the approval of the Ontario Municipal
Board given either before or after the execution thereof;
 - (b) require the payment to the Corporation of a sum of
money therein set out, either in a lump sum or by instal-
ments, together with interest at a rate therein specified,
and the payment shall be based on 50 per cent of the cost
of developing each offsite parking space as calculated
from time to time by The Parking Authority of the City
of North Bay; and
 - (c) where the agreement provides for payment by instal-
ments, be executed by all prior mortgagees and other
prior encumbrancers postponing their encumbrance in
favour of the agreement.

Payments
under
agreements
held as fund
for purpose
of parking
facilities
R.S.O. 1970,
cc. 470, 284

(3) All moneys paid or to be paid pursuant to an agreement made pursuant to subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the moneys in such special account shall be expended for the same purposes and in the same manner as a reserve fund provided for in paragraph 72 of section 352 of *The Municipal Act*.

Registration
of agreement
imposes lien
on land

(4) An agreement made pursuant to subsection 1 may be registered against the title of the land affected thereby in the proper land registry office and when so registered, the amounts payable under the agreement, until paid, shall be a lien or charge upon the lands described therein and in the event of a default of payment for a period of one year from the date any payment is due, such sum may be collected in the same manner and with the same remedies as provided by *The Municipal Affairs Act* for the collection of real property taxes, and, upon payment in full of the moneys to be paid under the agreement or upon termination of the agreement, the clerk of the Corporation shall, at the request of the owner of the land or other person entitled under the agreement, provide a certificate in a form registrable in the proper land registry office, stating that the moneys to be paid under the agreement have been fully paid or that the agreement has been terminated.

R.S.O. 1970,
c. 118

Audit of
fund

(5) The Corporation auditor, in his annual report, shall report on the activities and position of any special account established under this section.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The City of North Bay Act, 1979*.

SCHEDULE

That parcel of land situate in the City of North Bay in the District of Nipissing described as follows:

BEGINNING at the intersection of the centre line of Sherbrooke Street and the centre line of Worthington Street;

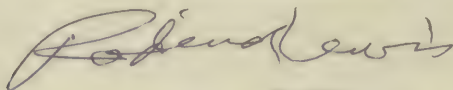
THENCE northwesterly along the centre line of Worthington Street to the centre line of Cassells Street;

THENCE southwesterly along the centre line of Cassells Street and along the extension of such line to the shoreline of Lake Nipissing;

THENCE southeasterly along the shoreline of Lake Nipissing to the extension of the centre line of Sherbrooke Street;

THENCE along the extension of the centre line of Sherbrooke Street and along the centre line of Sherbrooke Street to the point of beginning.

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC. 20 19 79

A handwritten signature in dark ink, appearing to read "Robert Lewis". The signature is fluid and cursive, with the first name "Robert" written in a larger, more prominent script than the last name "Lewis".

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting
the City of North Bay

1st Reading

November 15th, 1979

2nd Reading

December 18th, 1979

3rd Reading

December 18th, 1979

MR. BOLAN

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

**An Act respecting the
Assumption Church Cemetery**

MR. BOUNSALL

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr29

1979

An Act respecting the Assumption Church Cemetery

WHEREAS Father Lawrence J. Carney and Father Ernest J. Lajeunesse hereby represent that they are the pastor and assistant pastor of The Church of Our Lady of the Assumption in Windsor, Ontario, commonly known as Assumption Church; that the Church owns certain lands, known as Assumption Church Cemetery, that are used for cemetery purposes; that the said Father Carney and Father Lajeunesse are the president and secretary respectively of the Assumption Church Cemetery Executive; that parts of the cemetery have been in use since 1852; that no records were maintained as to the identity of the persons buried in certain parts of the cemetery prior to 1927; and that no markers or means of identification exist for numerous burial plots in which interments occurred prior to that date; and whereas the applicants represent that it is desirable that the Assumption Church Cemetery Executive be authorized to reuse burial plots for interments with respect to those parts of the cemetery in which interments occurred prior to 1927 and for which no records of individual interments are in existence and which are unmarked; and whereas the applicants apply for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding *The Cemeteries Act*, any burial plot in the Assumption Church Cemetery in the City of Windsor, in which an interment occurred prior to 1927 and for which no records exist as to who is buried in the particular plot and that is not marked by a monument or headstone, may be reused for a further interment in each such plot as if no interment had previously been made in the plot.

Reuse of
burial
plots
authorized
R.S.O. 1970,
c. 57

2. This Act comes into force on the day it receives Royal Assent.

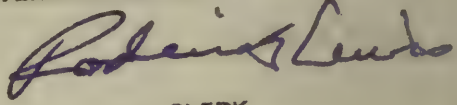
Commence-
ment

Short title

3. The short title of this Act is *The Assumption Church Cemetery (Windsor) Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

Nov. 13, 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the
Assumption Church Cemetery

1st Reading

November 1st, 1979

2nd Reading

November 13th, 1979

3rd Reading

November 13th, 1979

MR. BOUNSALL

Pauline G. G. G. G.
BILL Pr30

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to revive
South Russell Holdings Limited

MR. ROTENBERG

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr30

1979

An Act to revive South Russell Holdings Limited

WHEREAS Dr. Herbert Basian, Jean Bloom and Elva Starkman, Executrix of the Estate of Dr. Sydney Starkman, hereby represent that South Russell Holdings Limited, herein called the Corporation, was incorporated by letters patent on the 13th day of December, 1967; that the Minister of Consumer and Commercial Relations by order dated the 9th day of April, 1975, and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the certificate of incorporation of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 14th day of May, 1975; that at the time of its dissolution the Corporation had three shareholders, namely Dr. Sydney Starkman, Dr. Herbert Basian and Jean Bloom; that the affairs of the Corporation were managed by Dr. Sydney Starkman who died after a lengthy illness on the 14th day of May, 1977; that default in filing annual returns occurred by reason of inadvertence; that the Corporation failed to file with the Minister of National Revenue the appropriate election that a dividend payable on June 28th, 1974 be treated as a distribution of the 1971 capital surplus on hand; that the Minister of National Revenue has advised the applicants that their 1974 income tax returns will be reassessed if South Russell Holdings Limited is revived by special legislation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1970,
c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. South Russell Holdings Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

South
Russell
Holdings
Limited
revived

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The South Russell Holdings Limited Act, 1979.*

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC. 20 1979



CLERK
LEGISLATIVE ASSEMBLY

An Act to revive
South Russell Holdings Limited

1st Reading

November 6th, 1979

2nd Reading

December 11th, 1979

3rd Reading

December 11th, 1979

MR. ROTENBERG

Lawrence
BILL Pr31

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act to revive
Sarnia Portable Equipment Rentals Limited

MR. BLUNDY

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr31

1979

An Act to revive Sarnia Portable Equipment Rentals Limited

WHEREAS Hugh Shabsove hereby represents that Sarnia Preamble
Portable Equipment Rentals Limited, herein called the
Corporation, was incorporated by letters patent dated the 21st day
of October, 1965; that the Minister of Consumer and Commercial
Relations by order dated the 5th day of March, 1975, and made
under the authority of subsection 3 of section 251 of *The Business* R.S.O. 1970.
c. 53
Corporations Act, cancelled the certificate of incorporation of the
Corporation for default in filing annual returns and declared the
Corporation to be dissolved on the 9th day of April, 1975; that the
applicant was the president and a principal shareholder of the
Corporation at the time of its dissolution; that prior to its dissolu-
tion most of the assets of the Corporation had been sold; that the
Corporation at the time of its dissolution owned certain real
property that through inadvertence was not disposed of prior to
the dissolution of the Corporation; that the applicant proposes
that the Corporation, upon its revival, will carry on active busi-
ness; and whereas the applicant hereby applies for special legisla-
tion reviving the Corporation; and whereas it is expedient to grant
the application;

Therefore, Her Majesty, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario, enacts as
follows:

1. Sarnia Portable Equipment Rentals Limited is hereby Sarnia
Portable
Equipment
Rentals
Limited
revived
revived and is, subject to any rights acquired by any person after
its dissolution, hereby restored to its legal position as a company
incorporated by letters patent, including all its property, rights,
privileges and franchises and subject to all its liabilities, contracts,
disabilities and debts as at the date of its dissolution in the same
manner and to the same extent as if it had not been dissolved.

2. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

3. The short title of this Act is *The Sarnia Portable Equipment* Short title
Rentals Limited Act, 1979.

ASSENTED TO BY LIEUTENANT-GOVERNOR

DEC. 20 1979

Robert Lewis

An Act to revive
Sarnia Portable Equipment Rentals Limited

1st Reading

December 6th, 1979

2nd Reading

December 18th, 1979

3rd Reading

December 18th, 1979

MR. BLUNDY

3RD SESSION, 31ST LEGISLATURE, ONTARIO
28 ELIZABETH II, 1979

An Act respecting the Town of Cobourg

MR. ROWE

BILL Pr33

1979

An Act respecting the Town of Cobourg

WHEREAS The Corporation of the Town of Cobourg, Preamble
 herein called the Corporation, hereby represents that The
 Cobourg Parks and Recreation Board, herein called the Board,
 was established under *The Town of Cobourg Act, 1975*, being
 chapter 93; that the council of the Corporation, herein called
 the Council, considers it desirable that the composition of the
 Board should be varied; and whereas the Corporation hereby
 applies for special legislation to increase the number of mem-
 bers of the Board from seven to nine members; and whereas it
 is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:

1. Clause *b* of subsection 1 of section 2 of *The Town of* 1975, c. 93,
s. 2 (1) (b),
re-enacted
Cobourg Act, 1975, being chapter 93, is repealed and the fol-
 lowing substituted therefor:

- (b) six other persons appointed by the Council who are
 resident in the Town and qualified to be elected as
 members of the Council but who are not members of
 the Council.

2.—(1) Notwithstanding clause *b* of subsection 1 of section Transition
 2 of *The Town of Cobourg Act, 1975*, as re-enacted by section
 1 of this Act, the four persons appointed to the Board under
 clause *b* of subsection 1 of section 2 of the Act, as it read
 immediately prior to the coming into force of this Act, shall
 continue to hold office in accordance with the terms of their
 appointments.

(2) The first appointments of the two additional members of Idem
 the Board under clause *b* of subsection 1 of section 2 of the
 said Act, as re-enacted by this Act, shall be made by the
 Council immediately upon the coming into force of this Act,
 and, on the first appointment of the two additional members,

the Council shall designate one such member to hold office until the 1st day of January, 1980 and one such member to hold office until the 1st day of January, 1981.

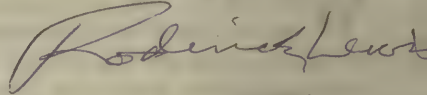
Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

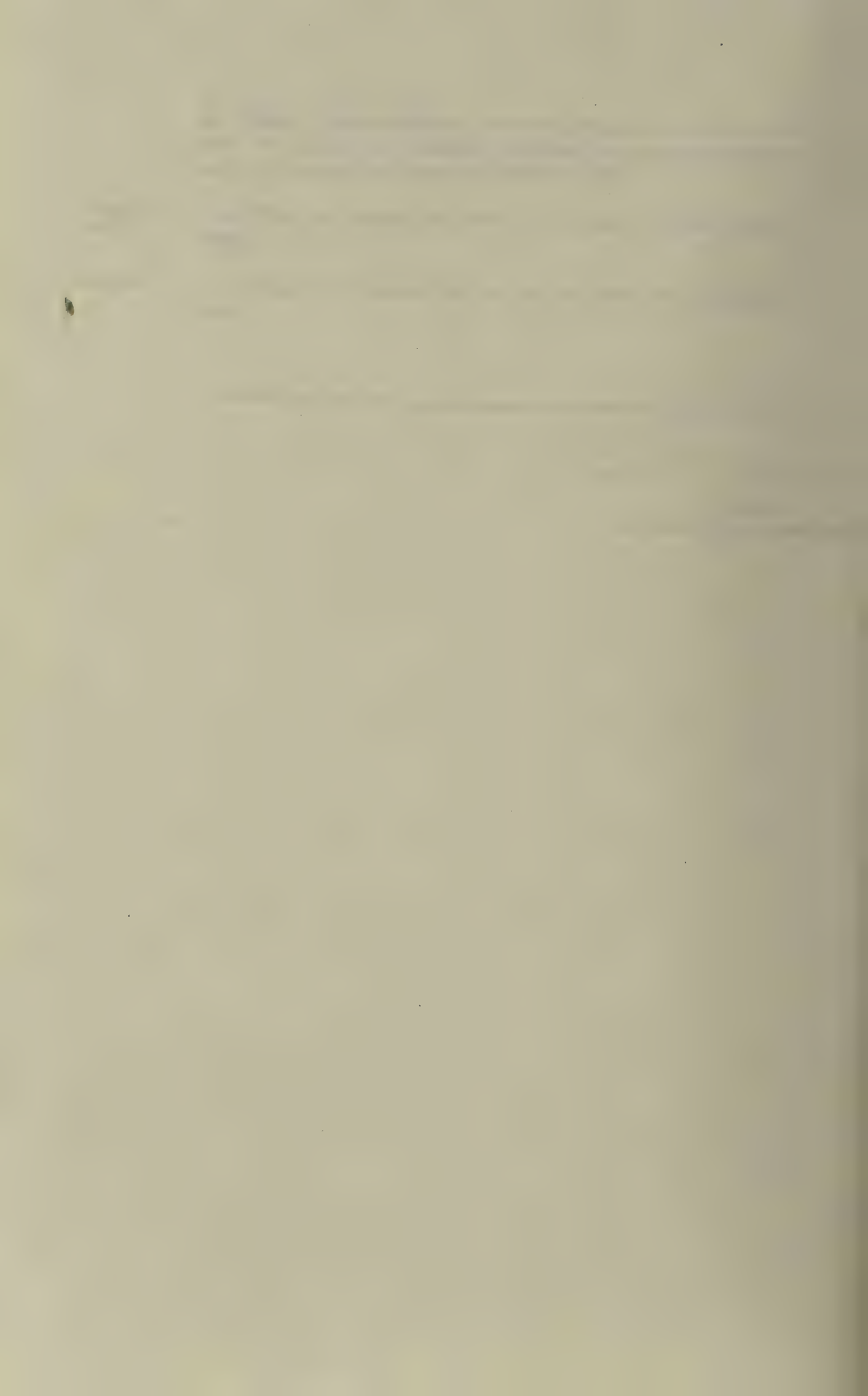
Short title

4. The short title of this Act is *The Town of Cobourg Act, 1979*.

ASSENTED TO BY LIEUTENANT-GOVERNOR DEC. 20, 1979



CLERK
LEGISLATIVE ASSEMBLY



An Act respecting the
Town of Cobourg

1st Reading

December 3rd, 1979

2nd Reading

December 18th, 1979

3rd Reading

December 18th, 1979

MR. ROWE
